THE DIMINISHING FILIBUSTER IRIC NATHANSON

# THE NATION

OCTOBER 29, 1977 60 cents

NORMAN BIRNBAUM
THE FRENCH LEFT

## Squabbling Toward the Election

**Meany and Business vs. the ILO**
**WILL WE PICK UP OUR MARBLES?**
**BARBARA KOEPPEL**

**'LITTLE' OIL'S SLIPPERY SLOPE** **DAVID ZIELENZIGER**

**Environmental Balance Sheet**
**COST BENEFITS OF THE CLEANUP**
**Stephen Solomon & Willard Randall**

**EDMUND WILSON'S LETTERS**
**Leonard Kriegel**

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# LETTERS

## where we stand

*Brooklyn, N.Y.*

I deplore an editorial, "For All or for None," and an article, "The Return to Geneva; Will Carter Boot It?" in your October 15th issue: the first on the "rights" of the American Nazis, the other, by David Caploe, totally one-sided on the Israeli-Arab confrontation.

In your opinion the Nazis must be allowed to inflict their obscenities on death-camp survivors still suffering the trauma of their blood bath in order to safeguard future Martin Luther Kings the right to speak for life—really?

You consider these Nazis weak and insignificant. So was Adolf Hitler in 1923. "Our" Nazis are already getting powerful support from "brothers under the skin" who are spreading the "buy from Christians" propaganda from California outward.

Caploe on Israel sounds like an Arab propagandist finding all the good in the Arabs and all the bad in the Israelis.

Although since 1948 all the Arab countries called for the destruction of Israel, today only the PLO, murderers of athletes, women and children, proclaims this publicly. Judging by his article, Caploe has never heard of this.

It seems that, as of now, the Arab states have sublimated their aim to destroy Israel and have replaced it with their relentless support of their cat's-paw, the PLO, with whom Israel must sit down to discuss its own destruction—or else.

*Ernest Deutch*

*We share Ernest Deutch's opinion that "our" Nazis are obscene (indeed, that is what we said), but we don't share his fear of them. What we fear is the precedent that would be set by denying them the right to express their revolting ideas. As for Caploe, we submit that a calm reading of his article could not possibly conclude that he finds "all the good in the Arabs and all the bad in the Israelis." The piece was not about good and evil; it was about getting to Geneva—and how President Carter's approach to the problem was not the best means to that end.* The Editors

## man for the job?

*Springfield, Va.*

Reading Elliott Currie's description of President Carter's welfare reform program [*The Nation*, Sept. 17] raises a question in my mind:

If asked to select, from 215 million, the one person best qualified to design a welfare system for the poor and deprived, would you choose Joseph Califano, a lawyer with an income of a half-million dollars, whose life work consists of advising the rich and powerful?

Why be surprised at the result? *Winston McNamara*

## taxes for peace

*Oakland, Calif.*

*The Nation* has published nothing about the World *Peace* Tax Fund. The proposed legislation provides a *legal* means for conscientious objectors (not necessarily religiously connected C.O.s) to assign the portion of their taxes destined for the military to peaceful use. H.R. 4897 has been introduced several times, with increasing sponsorship, by Rep. Ronald V. Dellums (D., Calif.).

The first Senate Bill, S.880, on the WPTF was introduced this year by Sen. Mark Hatfield. The National Council for a World Peace Tax Fund is in Washington, D.C.

*Marion M. Sandomire*

**The editors welcome letters from readers but regret that space limitations often prevent publication of those of more than 250 words.**

# EDITORIALS

## Swinging from the Floor

The President had a choice between two targets when he decided to come out swinging against the opponents of his energy program. He could have taken on the Senate itself or the giant energy combines. He picked the easier one when he charged the oil and gas industry with planning "the greatest rip-off in history."

Carter's language in his October 13th press conference was quite extraordinary in more than one way. The oil companies naturally called it "intemperate," but it was indeed extravagant. That is not to say that he was wrong to attack the industry for its grasping and wrong-headed ways. It is simply to note that to talk of "potential war profiteering" when he breaks a silence that has lasted for months as Congress fiddled with his energy scheme is a startling change from the passivity with which he has seemed to watch the dismantling of his proposals. Since we are not at war at the moment, he must have had in mind the energy "war" he personally declared back last spring; that borrowing from William James's "the moral equivalent of war" has come back to haunt him, as excessive rhetoric is apt to do.

The fact is that, as the legislation went to the House-Senate conference, the President's energy program was an unrecognizable shambles. The House had passed a bill that was close to Carter's version of what needed to be done. The Senate's Finance Committee turned out a monstrosity containing none of the taxes he asked for and $32 billion in tax credits which he did not want. The House emphasis was on conservation, the Senate's on incentives to more production. The twain could scarcely meet, even in the pressure cooker of a conference committee.

However, there will of necessity be some sort of compromise. The question is how much has *already* been compromised by Carter even before the two chambers begin to adjust their differences. The President sounded almost intransigent at his press conference, but the truth is that he has by now yielded much of his original ground to the gas and oil industries. The whole idea of regulating natural gas prices in the public interest has almost disappeared. Even before the Senate voted to phase out all price controls on gas over the next few years, Carter's agents on Capitol Hill were backing a "compromise" regulated price per thousand cubic feet of $2.03, which is close to what the industry could get if there were no regulation. That figure should be compared with the 60¢ price which the Federal Power Commission called "ample" just last year. So much for the fate of gas prices, and the monopolistic multiplier for oil prices is comparable.

In sum, Carter's "war" to save the country from the disaster of an energy shortage looks like a rout. What about the chances of restoring some form of competition in the highly cartelized energy business and thus getting a grip on these monopolies through the mechanism of price competition? The name of that game is divestiture and it is one the administration is not going to play. "I do not think that is appropriate," said Carter's energy



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czar James Schlesinger on October 16, speaking of "using divestiture as a club."

There was a time when Schlesinger's boss thought that divestiture was "appropriate," at least when he spoke as a campaigner in parts of the country where oil and gas industrialists had no political clout. Carter, as James Flug of the Energy Action Committee pointed out in an article in these pages (May 28), used to say that he favored a "legal prohibition against ownership of . . . oil and coal" because of the lack of "an adequate amount of competition." These days any form of divestiture, horizontal or vertical, seems to be out of the question and out the window.

Carter's sudden attack on the energy interests had the flavor but not the substance of Populism (he's from the South, isn't he?). He swung from the floor in his attempt to get up from it. The maneuver was such a strain on him that he missed with a haymaker when he tried to pin vastly inflated profits or revenues on the oil companies, but instead used the inexact term "income." That slip left him open to an easy right cross from the oil men; they could justly accuse him of not understanding the difference between gross and net, thus making him look foolish.

The big question now is whether Carter will follow up his hot rhetoric with some action, whether he will stay firm or talk tough and go on compromising. He should tell Congress that he will accept nothing less than the House version of the energy legislation. He must insist that the money from higher prices go back to the public and not to the energy companies (for exploration and more production, they claim, never mentioning profit). He should draw the line now and inform Congress that the hybrid in the making is a monstrosity he will veto.

If he took that firm stand, the people would be on his side. They sense, despite the baffling complexities of the matter, that the energy interests and their friends in Congress are on the wrong side of the issue. They look for a clear signal from the White House pointing the way toward the general interest. One must doubt that it will be forthcoming. As Flug wrote in *The Nation* last spring, "we had all better keep our hands on our wallets" when it turns out that Carter is a man who "can turn a campaign fudge on gas-price deregulation into a multi-billion-dollar commitment to the oil and gas industry, and can transmute a promise to the people to break Big Oil away from Big Coal into a tract against oil-coal separation."

## Carter Woos in Vain

Aside from his battle with the energy bosses, no President in living memory has courted Big Business as ardently as J. E. Carter. He has wooed the favor of the moguls from Maine to California, and from Wall Street to Wilmington. "Business confidence" has been his grail, but like that holy object of the Middle Ages, it keeps eluding its pursuer, however pure his heart.

In this quest, Bert Lance was the Lancelot of the court of Carter. When his shield became tarnished, and the businessmen began to see him as a rather second-rate knight, if one at all, he was unhorsed. It fell then

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upon others to carry on the crusade for the approval of the business community.

But the mission has been a failure. *The Wall Street Journal* of October 17 offers the proof in its lead story, headlined "Rocky Relationship—Big Business Is Critical Of President, Worries About Economic Goals . . . Temporary Stimulus Feared; Carter Seeks Closer Ties, And Some Stay Hopeful."

The *Journal* story is full of astonishingly hard language about Carter from the country's industrial and banking "leaders." In return for seeking their approbation by setting an extremely conservative course, he is rewarded —by an "angry corporate executive at the Business Council meeting"—with the warning that the President "ought to reaffirm his faith in the free-enterprise system." Students of his fiscal policies thus far may be astonished to learn that he has been faithless in this regard. Some might think that it was Carter and not Coolidge some fifty years ago who said that "The chief business of America is business." What more do they want, these titans of the economy?

A lot more—the quotes go on: "Any kind of market can deal with bad news or good news," said the chairman of Merrill, Lynch's thundering herd of stockbrokers. "The thing it can't deal with is uncertainty." (Perhaps he can't bear the suspense of waiting to learn whether Carter will or won't reappoint Arthur Burns for yet another stretch as chairman of the Federal Reserve, with the same old restrictive hand on the monetary throttle.) "A disaster" is how David Packard, former Deputy Secretary of Defense, but now back in business as chairman of Hewlett-Packard, describes the Carter energy program, gratuitously ticking off James Schlesinger, his colleague of the Nixon days, as not having "the brains God granted a goose about the way the economic system is supposed to work."

One of the country's very top bankers, Walter Wriston of Citicorp, declares that "the business community is looking for a believable, internally logical economic strategy," which, he says, it "hasn't seen yet." If Carter should go off the reservation and adopt an "internally logical strategy" of full employment, one supposes Wriston would not see it as believable. Speaking of credibility, the chairman of Monsanto finds it "unbelievable that we've gone through years of prolonged debate and still don't have a program" on energy. The fact is that during the good old days of Nixon and Ford we did have an energy program: leave it to the Seven Sisters.

"What big business wants," says *The Wall Street Journal*, "is a relatively simple tax-revision package that includes a net tax reduction of $20 billion to $23 billion, including a $7 billion to $8 billion reduction for business." That formulation is attributed to Reginald Jones, chairman of General Electric, who adds that "temporary hypos" to the economy are going to discourage long-term capital investments. Jones raps his gavel and briskly tells the administration that all this should be done by mid-1978, a date which no other observer of the creaking Congressional dynamo thinks is remotely possible.

It is striking that Big Business lectures the government in these aggressive terms, and even more striking that Carter has been listening respectfully to these regressive formulations. It has done him and the economy no good. His repeated appeals for "business confidence" have got him, and us, nowhere. His counselors from banking and industry have simply grown bolder and more patronizing. It is time for the President to realize that he has powerful means to influence their behavior, if only he has the will to do it. Unfortunately, there is no sign yet that he dares.

## Mote in Their Eye

The American Bankers Association had a tricky little problem. They had invited Bert Lance to address their convention in Houston at a time when he was still the President's close friend, trusted adviser and Director of the Office of Management and Budget, not to mention his role as apostle to the business community. But when the date rolled around he was out of office, out of favor and just another guy looking for a job in order to pay his creditors. Should the ABA cancel the invitation? There was no tactful way to do that, so Lance addressed the assembled moneymen, to the intense embarrassment of some of the more sensitive of them, one of whom said Lance had "destroyed the image of banking."

Bankers have never been cultural heroes in this country, so one must wonder what "image" the finicky financiers thought had been tarnished. It seems likely that the policy of urban banks to redline racially mixed neighborhoods, thus denying them loans, would do more to damage their reputations than the open-handed ways of Bert Lance. He, after all, as the Senate hearings showed, was given to ladling out loans like lollipops and he seemed not to care much about repayment (by others and in his own case). What better image could a banker have than as a careless Santa Claus?

Members of the banking fraternity should worry more about the picture being developed at New York State Senate hearings of the big banks dumping billions of dollars worth of New York City securities as bad risks even as they prepared to unload a new batch of dubious paper on an unsuspecting public. The Lance caper is a flyspeck compared to that blot.

## Digging for Justice

The illicit American activities in Chile before and during the Presidency of Salvador Allende now seem to be as deeply buried by the Carter administration as they were by those of Nixon and Ford. Lamentably, there can be no other explanation for the mixture of skittishness and sloth with which the Justice Department is handling two crucial investigations: those into the assassination of Orlando Letelier and Ronni Karpen Moffitt, and into the perjurious testimony of Richard Helms and high ITT officials (including the company's chairman, Harold Geneen) before two Senate subcommittees.

The inquiries are intimately related because they pose the same disagreeable questions. Did U.S. officials, both public and private, commit the highest crime conceivable under international law by plotting against a democratically elected foreign government, aiding in its overthrow,



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and thus sharing the responsibility for the murder of its President and the terrorization of its people? And did the agent of that terror, Augusto Pinochet, arrange for the killing of a major political opponent just blocks from the White House? The world knows that the answer in both cases is "Yes." It waits to learn whether and when the Carter administration will lay bare those crimes in order to punish the guilty and discourage their repetition.

The most infuriating recent developments—nondevelopments, really—have come in the Helms/Geneen case. In 1973 both men lied under oath by declaring before Congress that their respective organizations had nothing to do with funneling money to Allende's opponents in the Chilean Presidential election of 1970. Two years after the perjury was exposed, no indictments have been returned. The reason for inaction is as glaring as the crime itself: fear of what Helms and Geneen would reveal about American skulduggery—and, more to the point, about the men who gave the orders. Helms himself has made no bones about threatening to spill every nasty secret in his compendious memory, and to drag down with him a certain Dr. Kissinger, among others.

The Washington Establishment has greeted this threat in predictably craven fashion. A recent story by *Los Angeles Times* reporter Jack Nelson states that Attorney General Bell is under intense pressure from such figures as Nelson Rockefeller and Averell Harriman (other sources name Clark Clifford as a fellow lobbyist) to "go easy" on Helms. Incredibly, some journalists of repute have added their voices to the cover-up chorus. Hugh Sidey, Washington bureau chief of *Time*, has "passionately defended Helms on television and in speeches," according to Nelson. Eric Sevareid of CBS chimed in at a party, telling Bell, "It would be a shame if Helms is indicted." Bell plaintively told Nelson he was "doing my best to vindicate the rule of law," but his "best" has yet to result in an indictment.

And still there is no word from Justice on the Letelier inquiry. Month after month of silence could, of course, mean that the sleuths were painstakingly developing a case, since they almost certainly know who the murderers are. But Letelier's colleagues at the Institute for Policy Studies fear otherwise, we suspect with reason. They have organized a campaign to demand action, saying, "We are convinced that without sustained public pressure the murderers of Orlando Letelier and Ronni Moffitt will go unpunished." Implied is the correct judgment that the Letelier investigation, like the Helms case, is wholly a political matter in which abstract considerations of justice play little part. And public opinion is the key to politics. The address of the Institute for Policy Studies is 1901 Q Street, N.W., Washington, D.C. 20009.

## Blue Monday

Given the reputations of the Houston police in the black and Chicano communities, the Torres murder case was unusual only because it was brought to trial, and because two of the policemen involved decided to testify against their colleagues. The case came to its outrageous conclusion—temporary, it is to be hoped—in Huntsville, Texas this month, when an all-white jury convicted two Houston policemen of negligent homicide, a misdemeanor, for the death of a Chicano, Joe Campos Torres. The guilty parties will pay a fine of $1 each.

According to the story of the officers who took the stand, a gang of cops picked up the drunken Torres after a brawl and beat him senseless. They then took him to the station house for booking, but the officer in charge refused to admit him, suggesting that he required hospitalization. Instead, the cops threw Torres off an embankment into a bayou, where he drowned. For their part, the convicted men claimed that Torres provoked a fight, then jumped into the water, and was last seen swimming into the dark. The jury accepted this tale.

Not only the contradictory testimony from policemen who were eyewitnesses to the homicide but the entire history of the Houston Police Department casts suspicion on the defense's account. The city's District Attorney has developed cases of murder or attempted murder by police an astonishing twenty-four times in the last four years, but the county grand jury has returned only one indictment. Even the Mayor, Fred Hofheinz, says that the tendency of Houston's white citizenry to condone police violence amounts to "an illness." For that reason he says a civilian review board would be worse than useless.

However, there is a path to at least partial reform: federal intervention. The Justice Department's civil rights division was investigating brutality in the Houston department even before the Torres case went to trial, and the guilty cops can still be tried on federal charges of violating Torres's civil rights, a crime that can carry heavy penalties. An important precedent was set this month when a former Texas police chief was convicted on such charges after having received an absurdly light sentence in a local trial for murdering a Chicano prisoner. Attorney General Bell should now move swiftly to demonstrate that, although the good people of Houston may countenance murder by their supposed protectors, the nation as a whole will not.

## Meet Me at Jimmy's

In the last week or ten days, several of us here at *The Nation* have received a nice personal letter from a chap in Washington who signs himself Jimmy, inviting us to join The President's Club. (One colleague has, as of this moment, received the letter eight times, and we now refer to him all questions relating to the mores of clubdom.)

At first glance, we assumed that The President's Club must be one of those exclusive airport waiting rooms, where first-class passengers can have drinks brought to their Barcaloungers while apprentice hostesses manicure their nails (we have never been in one of these sanctums, so cannot swear to the exact amenities). It turns out, however, that a President's clubmate is one who contributes $15 or more to the Democratic Party's war chest for next year's Congressional election. The donor then receives a "membership card," entitling him or her to assert, without fear of contradiction, that he or she is indeed a member of the Democratic Party.

Enclosed with the letter is a flier that features two



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graphs, one showing the relative affluence today of the Democrats and the Republicans, and the other what that relationship might be if we all flock to Carter's club. In each case, the column on the left is topped by the bust of a wavy-haired fellow with ruggedly lined face and a scarf tucked neatly into his open collar—obviously a man who knows how good a cigarette can taste. His opposite number wears his hair in a close-clipped pompadour, has jug ears, glasses so opaque that his eyes are quite invisible and a stringy neck tightly bound by a stiff collar. He is the very distressing image of a mad geneticist with laboratory facilities in some remote Carpathian valley. We certainly would not be quick to join any club he might sponsor.

The other one, the outdoor type, who is seen here accepting with dignified gratitude the dollars being held up to him by outstretched hands, is the sort we'd like to meet of an evening at the bar of The President's Club. However, we're holding off a bit to see what token of membership we might get by contributing $15, if not more, to the Free Silver Party. Perhaps a bottle of snake oil.

THE DIMINISHING FILIBUSTER

# Squeeze Play on the Senate Floor

**IRIC NATHANSON**

In 1808, New York Rep. Barent Gardenier was shot and nearly killed by an irate colleague from Tennessee who had been compelled to listen week after week as Gardenier droned away on the floor of the House. Filibusters do not produce such extreme measures these days but passions still run high when Senators take to the floor to engage in what they describe euphemistically as extended debate. Thus James Abourezk and Howard Metzenbaum walked out of the Senate with their spirits ruffled perhaps, but otherwise unscathed, when their nine-day filibuster ended earlier this month.

Until 1917 no restrictions at all were placed on a Senator's right to speak on the floor. That year, the Senate adopted Rule 22 which established the debate-limiting cloture procedure. Initially, Rule 22 enabled two-thirds of the Senators present and voting to invoke cloture. In 1975, the rule was rewritten to lower the vote requirement to three-fifths of the 100 Senators.

Technically, debate can continue for 100 hours after cloture is imposed, since each Senator is given one hour to speak on the pending bill and all pending amendments to that bill. In practical terms, however, cloture has meant the end of a filibuster—or at least it *did* mean that until James Allen discovered a major loophole, you might say catch, in Rule 22. The Alabama Senator knew that cloture gave him only one hour's speaking time, but he also knew that time-consuming roll-call votes, quorum calls and other parliamentary procedures did not count against the 100-hour limitation on debate. Thus, Allen developed a new system of obstructionism that relied on the sophisticated manipulation of parliamentary procedures rather than on the sheer ability to speak for hours on end without taking a break. By calling for continuous roll calls and by requiring the Senate clerk to read all pending amendments word for word, Allen kept the Senate tied up in procedural knots for days at a time. This has become known as the post-cloture filibuster.

*Iric Nathanson works on Capitol Hill and writes about Congressional affairs.*

Allen's most effective performance came in September 1976, when he forced the Senate to take forty roll-call votes on a bill dealing with fees for civil rights attorneys; he blocked action on the legislation for nearly two weeks. South Dakota's James Abourezk, who was the floor manager of the bill, made sure to learn all he could about the parliamentary weapons that had been used against him.

Abourezk put the lessons that Allen had taught him to good use last month when he and his Ohio colleague, Howard Metzenbaum, began filibustering to block Senate approval of an amendment deregulating natural gas prices. To Abourezk, a liberal Senate maverick who is retiring from Congress in 1978, deregulation was an issue of overwhelming importance. He viewed the attempt by the oil companies to end price controls as a gigantic "rip-off" that would cost American consumers more than $160 billion by 1980. Metzenbaum, whose decorous bearing contrasts sharply with Abourezk's breezy informality, used less vivid terms to characterize deregulation, but was in agreement with his colleague's basic concerns about the issue.

"This is simply an economic question," Abourezk told his fellow Senators as the filibuster got underway. "Is the money going to stay with the consumer or is it going to be transferred to the oil companies? That is the question. The question is not whether we are going to move the Senate along and make it convenient for Senators so they do not have to answer roll-call votes every fifteen minutes. The question is: Are we going to do what we think is proper in our minds?"

On September 26, three days after their "talkathon" began, cloture was invoked against Abourezk and Metzenbaum. The two Senators expected this action and had prepared for it prior to the cloture vote, by filing at the presiding officer's desk more than 500 amendments. They now proceeded to call up the amendments one at a time, demanding a record vote on each.

Day after day, through the last week of September, Abourezk, Metzenbaum and their small band of supporters made effective use of the Allen technique. Tempers began to fray, fatigue began to set in, and the



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Senate's Majority Leader, Robert Byrd, who prided himself on his ability to keep the Senate engine running on track, became increasingly frustrated by his inability to end the filibuster. Even an all-night session, the first in thirteen years, failed to break the procedural logjam.

Finally, with fresh determination, Byrd and his parliamentary advisers put together a new plan over the weekend of October 1 and 2. He unveiled it when the Senate resumed consideration of the natural gas deregulation amendment on Monday afternoon, October 3.

With Vice President Mondale presiding as President of the Senate, Byrd immediately moved adoption of a new rule which provided that the presiding officer, on his own, could rule that certain pending amendments were dilatory and thus not in order. The Majority Leader got his bleary-eyed colleagues, most of whom were sick and tired of the filibuster by that time, to approve the rules change by a vote of 79 to 13.

After the vote, an outraged Abourezk took to the floor and declared that he had been double-crossed by an administration that he had thought supported his effort to block deregulation. The Senator knew that the success of the technique he and Metzenbaum were using depended on their ability to call up their 508 amendments and demand a roll-call vote on each one. If the presiding officer was prepared to rule that the amendments were not in order, and Mondale was clearly prepared to do so, the post-cloture filibuster had been dealt a mortal blow.

Byrd's campaign to crush the filibuster had just begun. Quickly, he pulled out of his parliamentary bag another trick in the form of a rule to cut down the number of time-consuming quorum calls that Abourezk and Metzenbaum had been demanding. Once that rule had been approved, Byrd began calling up the amendments that had been filed at the desk and Mondale began ruling that each was not in order. At this point, Abourezk jumped to his feet, demanding to be recognized so that he could appeal Mondale's rulings. "Mr. President, I make a point of order that this is a steamroller," he shouted, but Mondale refused to recognize him. By now, other Senators were on their feet, obviously shocked by the scene that was being played out in front of them.

Mondale continued to recognize only Byrd, who was calling *up* the amendments one after another. Within ten minutes, Byrd and Mondale had thrown out thirty-three of them.

Finally, Paul Sarbanes of Maryland got recognition and asked why no appeals of the Chair's ruling had been permitted. Mondale explained that he was merely following the Senate custom which required the presiding officer to recognize the Majority Leader whenever the Leader sought recognition.

Abourezk's supporters were infuriated. "You cannot tell me that what is going on now is a simple application of the rules," Edmund Muskie boomed out. "The U.S. Senate has just seen an outrageous act," Gary Hart shouted. A "dictatorship" is being established in the Senate, Paul Sarbanes declared angrily.

As the protests mounted, Byrd took to the floor and launched into an emotional defense of his actions:

Vallot

*Vice President Mondale*

"We have heard about the abuse by the leadership. . . . What about the abuse of the rules to which every member of the Senate on both sides of the aisle has been submitted to for the last thirteen days and one night?

"What about the abuses of the Senate itself?," he continued, "when we have stood here hour after hour—and I have done it, I have pleaded, I have tried to get unanimous consent, I have had meetings in my office. . . . I have tried in every possible way available to me to get the Senate to come down to a resolution of the issue, and my words have fallen on deaf ears! Deaf ears!

"Time and time again over the years, I have been the spear carrier—I have been the spear carrier many times in the years gone by for those who are seeking to get the Senate to take action to denigrate me. . . ."

Byrd's colleagues sat in rapt attention, listening to this impassioned statement from a man who had always kept his emotions under tight control.

The Majority Leader continued his oration with a defense of Mondale's role in the parliamentary ploy. "I am trying to put a stop to this filibuster—and that is what the Vice President is trying to do. He is not here, as someone said . . . to pull the rug out from under us.



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The Vice President is here to get the ox out of the ditch. The ox is in the ditch! That is why the Vice President is here!"

Gradually Byrd's emotions and those of his antagonists subsided and the Senate resumed a more reasoned consideration of the deregulation amendment. James Allen helped by adding a light touch; pointing to the rotund Abourezk, he observed that the body of the "distinguished Senator from South Dakota" had "not yet been flattened by the steamroller so I do not think he has a great deal to complain about." Moments later, Abourezk was on his feet seeking recognition again: "Mr. Chairman, I rise for a point of personal privilege. The shape of my body has been impugned. I cannot help it if I am fat. I wish the Senator from Alabama would recognize that."

The debate continued for another two hours but Abourezk and Metzenbaum knew that their cause was lost. The next day the vote came on a revised version of the deregulation amendment originally introduced by Lloyd Bentsen and James Pearson. The amendment was adopted 50 to 46 with each side's strength roughly what it had been when the first test vote on the issue was taken fourteen days earlier.

The Abourezk-Metzenbaum filibuster is over but all of its repercussions have yet to be felt. In parliamentary terms, the Mondale rulings should help restrict the cloture loophole that James Allen pushed his way through in 1976. But William Smith, who serves as Mondale's chief Senate assistant, says that, while the rulings will tighten up Senate procedures, they are not precedents that will eliminate the post-cloture filibuster altogether. For one thing, it can work only when the Majority Leader and the Vice President take the same view on a given filibuster. Smith says, however, that the Mondale rulings and the controversy surrounding them may spur the Senate to act on a set of proposals by Majority Leader Byrd to overhaul Rule 22. Byrd wants to cut back post-cloture debate to fifty hours and include all roll calls, quorum calls and other parliamentary business within the fifty-hour limitation. He and Howard Baker, the Minority Leader, have appointed party task forces to study the cloture proposals and report back to the Senate when the new session begins in January.

Baker opposed the Byrd rules changes when they were proposed in February, but he now believes that the cloture process has been abused and that some reform is necessary. "We don't want to do away with post-cloture filibusters altogether," a Baker aide points out, "because we may need it sometime. Right now, we Republicans don't have enough votes to block cloture."

The Republican Task Force, composed of Senators Mathias, McClure and Chaffee, has already met and its members have discovered that the issue of cloture reform is more complex than they had realized. The issue of post-cloture amendments is particularly thorny. "If you have someone who is a real expert on deregulation," one Republican aide points out, "he may have 100 valid, significant amendments. How do you keep the process from being abused, yet not place undue restrictions on legitimate legislation?" The Task Force doesn't have any ready answers to these questions and its deliberations may extend over the next several months.

One key actor in the filibuster drama, James Allen, has been careful to leave maneuvering room for himself in future deliberations on cloture. During the acrimonious debate on the Mondale rulings, Allen staunchly defended Mondale and Byrd and their handling of the issue. But even while the new precedents were being nailed down, the Alabaman was quietly taking note of some new procedural arrangements for use at a later time.

Allen supported Byrd's efforts earlier this year to rewrite Rule 22, but he did so with reservations, according to an Allen aide, and then only on condition that no amendments would be proposed if and when the Byrd plan came to the floor. The aide says that Allen is making no commitments to support rules changes during the new round of discussions. "For the time being he is holding off," the aide reports.

Abourezk and Metzenbaum, meanwhile, have gone on to other issues, and are not likely to walk into another major floor fight—at least right away. The two men did not achieve their immediate objective, but they may have helped to chart a new course for the Senate as the controversy over the filibuster continues. □

THE FRENCH LEFT

# Squabbling Toward the Election

**NORMAN BIRNBAUM**

The imagery of the French Revolution has given form, if not substance, to French politics for nearly two centuries. The history of France can be read as a struggle between those who thought themselves the heirs of the Revolution, and those who felt that it had disinherited them. The Jacobins strove for a nation of citizens; their Integralist enemies wanted a hierarchical community. The Jacobins saw the Revolution as a triumph of Enlightenment; the clericalists deplored the advance of free thought. Of course, there were complications: Left and Right each favored a strong state; the industrial workers disliked capitalism, and so did intellectuals who were especially distrustful of money—other people's money. Their frequent political allies, however, were a peasantry and a

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petite bourgeoisie attached with equal fervor to the ideas of the Revolution and their own property. The Church, meanwhile, was often critical of the market. French politics, in fact, has always juxtaposed familiar antagonists and new sorts of conflict. It is entertaining, if frivolous, to think of Mitterrand as Robespierre, Marchais as Babeuf, Chirac as Bonaparte and Giscard as Talleyrand.

The clash of Left and Right in the France of 1977 recapitulates these complexities and adds others peculiar to our own epoch. At the moment, the three parties of the Union of the Left (the Communists, Socialists and Left Radicals) cannot agree on a program for the government they could form by winning the legislative elections next March. They have suspended their negotiations and are exchanging recriminations, which may well spare them the burdens of victory. This disunion has intensified the quarrels among the parties of the Right, but that is unlikely to console millions of voters, and tens of thousands of activists, who have supported the Union of the Left. They did not look forward to re-enacting the French Revolution, or to making another one—but they had hoped to live better, and perhaps even differently.

No one can say whether the Union of the Left will be restored, and it is impossible to predict, after so many hard ideological words, the electoral consequences of a reconciliation. If the parties contest the elections separately, the results are not at all sure. On both sides of the Atlantic, commentators have launched themselves upon a sea of prophecy and speculation. Rather than forecast the events of the next six months, let us try to understand those of the recent past and particularly of the past year.

The Union of the Left was founded in 1972 when the Communist and Socialist Parties subscribed to a common program. They were joined later by the Radicals of the Left. Together, they did moderately well in the 1973 legislative elections. In 1974, Mitterrand as the coalition's Presidential candidate lost by only half of 1 percent. A majority of the employed voters, and a majority of those under 65, backed him. In the municipal elections this year, the ruling majority became a minority. The parties of Giscard's coalition took 42 percent of the vote; the parties of the Union of the Left 52 percent. A few weeks ago, polls predicted a 53 percent majority for them in the legislative elections next March. Their voting strength was put last month at 30 percent for the Socialists, 20 percent for the Communists, 3 percent for the Left Radicals. The figures make clear the importance of the Left Radical voters (and, by implication, of the middle-class electorate in general). They also show that the Socialists have doubled their votes since 1972, while the Communists have suffered a slight but perceptible decline. The preoccupation with middle-class voters, which is common to the Left Radicals and the Socialists, and the Communists' restiveness—to say the least—at their own second-place standing were essential elements in the rupture of last month. The most recent polls show a decline from 53 percent to exactly 50 percent—after the rupture.

Its immediate occasion was a confrontation between Communists and Socialists over the extent of nationalization. The original common program called for the nationalization of nine key industrial groups and of the remaining large private banks. It did leave a number of questions open: the fate of the large companies' subsidiaries, the nature of public control and ownership, the problem of compensation, and the economic policies of a Left government. Since the two major partners in the coalition have very different ideas of socialism, very hard bargaining (and hard feelings) were to be expected. The Communists, however, have apparently sacrificed the first chance they have had in thirty years to participate in a French Government for the sake of a doctrinal purity which they did not emphasize when they joined the coalition. The question of their true motives naturally arises, but the stakes in the nationalization dispute are large enough in their own terms.

In the end, the Communists refused to reduce below some 750 their list of companies to be nationalized. The Socialists, for their part, refused to increase their limit beyond 227. A compromise at about 500 would have made little sense, since the structure of public ownership and not its extent was at issue. The Communists insisted that only total public ownership could guarantee effective public control; the Socialists argued that a repertory of control techniques was preferable to reliance on one blunt instrument. Many of the companies in dispute were subsidiaries of the large firms whose nationalization had been agreed upon. The Socialists considered state participation in their management sufficient; the Communists thought this a half-measure or worse—a systematic compromise with capital that would severely reduce the force of the nationalization measures to which the Socialists had assented.

The Socialists warned that too much nationalization, imposed too quickly, would burden the state with terrible debts. The Communists, after all, wanted to reimburse the shareholders with state bonds, but to issue these wholesale would be inflationary. The Socialists proposed to compensate shareholders with some of the profits of the nationalized companies, but the Communists refused this as another concession to capital.

Disagreement on the governance of a nationalized firm was no less strenuous. The Communists considered that managers should be designated by boards composed one-third of the workers of the enterprise, one-third of local representatives, and one-third of state appointees. Here, their motives were transparent. The workers in most of the firms on their list were represented mainly by the CGT, the Communist-led union. The municipalities in the industrial regions have large Communist representation. As for state appointees, had not the Communists intimated an interest in two ministries? Reportedly, they wished to see the Interior Ministry divided—into a ministry responsible for public order, which they did not expect to be given, and into one dealing with local government, which they claimed. They also proposed the consolidation into a super-ministry of the present ones dealing with regional development, planning and industry. Taken together, these proposals struck the Socialists as a perfect formula for permanent Communist implan-



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tation in a large public sector. (The Communists would also cede the Finance Ministry to the Socialists, who would thus bear the onus of refusing funds—while they, the Communists, could distribute such money as was available.) The Socialists refused to make precise commitments as to governmental reorganization and ministerial assignments before the election. They countered the Communist proposal for industrial governance by insisting that managers have state approval. A compromise might have been possible in this area: the Socialists surely did not imagine that the Communists would settle for minor concessions, and some Communist ideas on industrial democracy are not impossibly remote from their own.

It was at this point, however, that the Socialists had to consider the sensibilities of the Left Radicals—and no less important, of the middle-class voters to whom they, as well as the Radicals, were appealing. Even before the ultimate disagreement, the Radicals had once walked out of the discussions. They were protesting a clause giving workers in the private sector the right to request the nationalization of their companies. Unions in France are found mainly in the state companies and in large industry. The Left Radicals feared a sequence of a Chilean or Portuguese kind: spontaneous worker eruptions followed by state expropriation. The Communists may fear worker spontaneity, but they certainly do not worry about enlarging the scope of nationalization. The homogeneity of their voters (mainly workers) gives them a single-mindedness that the Socialists lack.

We are the authentic representatives of the working class, the Communists claimed, when they demanded that the new government move immediately to increase pensions, raise family allowances and reduce wage differentials to a ratio of 5 to 1. (They hastened to assure the nation's managers, professionals and technicians that they did not mean to cut their incomes, just to raise that of the workers.) The Socialists and Communists were nearing agreement on the easier of these points—the minimum wage, to be raised after consultation with the unions by a new government, and gradual increases in social benefits. But the Socialists refused to consider a reduction in the wage differential as anything but a long-term goal. The argument here had been anticipated in the spring, when the Communists (without consulting their allies) published a hypothetical budget. Denounced by the government as entailing punitive taxation and as hyper-inflationary, it was repudiated also by the Socialists, who were much irritated by its publication the day before a debate between Mitterrand and Premier Raymond Barre. Clearly, the two parties disagree on the amount and location of the resources France has available for redistribution. The Communists, again, benefit from speaking to and for that substantial part of the society which considers that it has little to lose.

Defense and foreign policy have been persistent sources of discord in the coalition. The Communists finally agreed in principle to a European Parliament—as much in response to urging from the Italian Communists as to pressure from the Socialists. But they also completely reversed their earlier opposition to the maintenance of the French nuclear strike force, and compounded the embarrassment this inflicted upon the Socialists by intimating that one day the force could come in handy against Germany. The Socialists had originally proposed a referendum on the strike force (and on nuclear power development), but dropped the notion after conjoint criticism from Giscard and Georges Marchais of the French Communist Party. The Socialists were resigned to profound differences with the Communists on foreign affairs, but they were clearly counting upon the development in the Communist Party of a Eurocommunist position which it shows no sign of taking. It is very difficult to imagine Marchais, this winter, repeating the Italian Communist Party leader Enrico Berlinguer's endorsement of NATO as a protective shield for socialism in Western Europe.

Nuclear power is an especially difficult issue for the Socialists. The "green ticket" of environmental protest candidates obtained 10 percent of the vote in the municipal elections. The Communists do not worry about these voters, but the Socialists do: they are the kind of people whom the Socialists' reformist program is intended to reach. They come from different classes (employees, farmers, professionals and some workers are among them) and have ideas unlike the anti-capitalism of the traditional Left. The Communists have derided the environmental protest movement as retrograde, confirming once again their own claim to represent the avant-garde of 19th-century thought. The issue will not, however, simply disappear.

The Socialists' strength is also their weakness. The party is itself a coalition of disparate elements, united only by the conviction that the time has come for a change in French society—and that they are uniquely qualified to lead it. The authentic radicals of the Left are Mitterrand and colleagues like Claude Estier, associates of Mendès-France in the Fourth Republic. Their own conversion to socialism expresses a change in the angle of vision of a great many French citizens, those convinced that an alternative to the market is necessary, but unclear as to what that alternative might be.

The party includes old Socialists from the party of Léon Blum and of that convinced opportunist, Guy Mollet. The old Socialists reach into the northern working class and the radical *bourgeoisie* of the south (Pierre Mauroy of Lille and Gaston Defferre, the rich Protestant Mayor of Marseilles, are their spokesmen). They are competent at local administration, skilled at working the party machinery, and have a common-sensical resistance to ideas. The Marxist or CERES fraction of the party, led by Jean-Pierre Chevenement, has ideas to spare. If critical analyses of capitalism could kill, no capitalist in France would have survived their books and pamphlets. It is Michel Rocard, however, a civil servant and economist with political flair, who best represents the thought of the party. He expresses the socialism of the technocratic elite. Once a doctrine for artists and writers, historians and philosophers, the newer socialism is the work of economists and engineers, managers, scientists and urbanists. Its technocratic bias is tempered by the technocrats' realization that they will have to develop tech-



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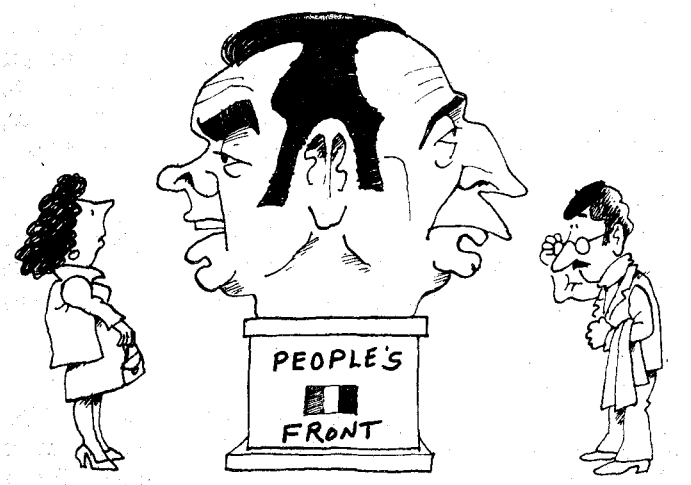
niques of decentralization and participation to make an industrial economy responsive to public choice. Moreover, the Socialists are not quite without passion: there are enough Catholics among them to compensate for the moral exhaustion of a secularized millennial idea.

The Socialists' temper, then, is coherent—even if their ideas are contradictory or tentative. The industrial and white-collar workers joined to the intellectual and technocratic elites in the party think of themselves as heirs to the Jacobin tradition, and of their party as the logical successor to the Gaullists as the dominant political force in France. The Gaullist state, after all, succeeded with a program of breakneck industrialization directed from the top. Theirs would democratize (and humanize) French society. Marchais was entirely accurate when he accused Mitterrand of behaving as if he were already chief of government. Mitterrand's reserve about a fast march to




Jusp. Wir Bruckenbauer (Switzerland)

*Georges Marchais* *François Mitterrand*

socialism (severly criticized by Chevenement and the Marxist segment of the party) is the caution of a leader who anticipates having to answer to the nation for his decisions.

The Communists do not, it would appear, suffer from doctrinal vagueness or tactical reserve. They have a precise conception of French capitalism, and an exact timetable of the steps which (if taken) would lead to its supersession. Some years ago they launched a campaign under the name *Portes Ouvertes* (Open Doors), to demonstrate what few in any event doubted—that a party with 20 percent of the vote included a great many perfectly solid French citizens. The doors to meetings of the Communists' Central Committee, however, are closed. We know very little about its present internal disagreements, even if there have been some large ones in the past. When the Central Committee abandoned the idea of the dictatorship of the proletariat in 1976, there were loud public objections from the party's base. The party's recent criticism of the Soviet Union for disregarding human rights was a response to pressure from members—presumably, different ones. The Communist Party is, then, not monolithic—but it has not abandoned "democratic centralism," or rule by the Central Committee. The processes of opinion formation and decision within it are far less open than in the Italian Communist Party.

There is another way to put that. The French Communist Party can reasonably claim to represent an important segment of the industrial working class. It is the custodian of a distinctly French tradition of working-class autonomy, which is at least as important to it as Leninism. The party, through its activities and organizations, is a counter-society. Its doctrinal rigor and its homogeneity are connected. The difficulty is that the party does not invariably respond to the new or nascent tendencies in French society. There can hardly be a French group which takes bourgeois culture (in the old-fashioned sense of the individual acquisition of discipline and knowledge) more seriously. That may account for its strength among schoolteachers. Its nationalism, a faithful reflection of the instinctive patriotism of the French workers, is quite authentic. The party's recent attempts to talk with the Catholics make sense: they also think of themselves as an encapsulated minority in France. The Communists, moreover, have their own version of Jansenism—the working class (and through it, the nation) can be redeemed, if it follows the one path to salvation. The party has renewed its cadres in the past—despite profound changes in French society and its own dogmatism. It would be rash to predict an immediate decline of support for it, despite its major responsibility for the break in the Union of the Left.

The Left Radicals are one of those political groups whose importance is very much larger than its size. They are Jacobins (and Masons) and favor large reforms. They are not a party of the very rich; the nationalization of the large corporations does not frighten them. Robert Fabre, president of the party, did tell Marchais on French TV last month that his party objected to the Communists' aim of a different social order—while Defferre, watching the debate, exclaimed that they were all losing 10,000 votes a minute. Marchais has frequently called for a "union of the French people" (with the Communists, of course, and not the Socialists representing the workers). Arguing with Fabre, he may well have reconsidered the costs of union. The Left Radicals' presence in the Union of the Left vouched, in effect, for its good behavior among voters concerned that power be defined and limited. The 3 or 4 percent of the electorate the party commands (and the others whom they reassure) may be ready for larger changes than are their leaders, but the latter do not think so. The question is whether the Left Radicals' own recalcitrance about the common program is evidence that on the question of socialism, France is still divided precisely in half.

In any event, the Communists and Socialists cannot agree on *what* socialism—or whose. The tone of the discussion between them over the past year has been increasingly harsh. The Communists' apprehensions about the alliance were made clear to me two years ago, when a member of the Central Committee (who was at the negotiations last month) told me that the Socialists intended to reduce the Communists' vote to 15 percent, and then, as the largest party in France, turn to the Center. The Communists have insisted that they are an



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equal, not a subordinate, partner in the Union of the Left, and certainly the Socialists' behavior toward them has at times been provocative—they have publicly said that they intended to impose their will upon the Communists. Mitterrand did not make matters easier by intimating that he might one day follow Ramadier's example. The name of the French Socialist Premier who in 1947 expelled the Communists from the government of the Fourth Republic does not figure in the ancestral pantheon of the Union of the Left.

The Socialists have been provocative, but the Communists have been both obdurate and hostile. No doubt, each party was seeking to reassure its voters. The Communists dwelt obsessively on their role as the true champions of the working class: they have, after all, no alternative role. The Socialists, exhilarated by their electoral progression, insisted on their primacy. The most obvious explanation for the rupture may in the end be the most accurate one. Each party had clear ideas as to the price it would pay for the benefits of coalition, and each in the end decided that the price demanded by the other was too high.

The Socialists' internal debates are public, the Communists' disagreements well hidden. The Communist leadership is clearly divided on the Union of the Left. Perhaps they were surprised by the Socialists' successes; they were certainly disturbed by the Socialists' intention of implanting themselves in industry, and by the close ties of the Socialists to the CGT's union rival, the CFDT. Many Communists may believe that the politicians, technocrats and intellectuals in the Socialist leadership cannot understand the exigencies of the working class, and they apparently doubt that the mixed electorate to which it appeals is ready for serious change. In the circumstances, doctrinal purity offers a plausible way out—*une sortie honorable*. Meanwhile, the Soviet leadership, anxious about Eurocommunism, suspicious of the Socialists' ties to the Social Democrats and of their influence in southern Europe, satisfied to deal with a French Center and Right never entirely unresponsive to the USSR—has made clear its own lack of enthusiasm for the Union of the Left. (It openly backed Giscard against Mitterrand in 1974, evoking a public protest from the Communists.) André Fontaine of *Le Monde*, never far from the truth in these matters, has said that it isn't necessary to see Moscow's hand in the French Communists' behavior. The rupture is entirely consonant with one of the Russians' historical strategies.

The belief that, given the strife on the Left, an electoral victory for Giscard's troubled coalition is certain requires another act of faith. The mutual disparagement of Chirac's Gaullists and Giscard's Republicans (with the Centrists in the middle worried, as usual, about retaining parliamentary seats and Cabinet posts) is as intense as the exchange of compliments between Communists and Socialists. The Gaullist party secretary, Yves Guena, has explained that Giscard is liberal, European and for parliamentary control, while the Gaullists are *dirigiste*, for national independence and favor referendums. Giscard's projects for an "advanced liberal society" are blocked, defeated by the parties of his own majority. The only thing now uniting it is fear of the Left. Giscard was able (with Communist and Socialist votes making good the defections in his own supporters' ranks), to persuade Parliament to legalize abortion and liberalize the laws on divorce. The Gaullists opposed French decentralization and closer European ties, and Giscard's own party would hear nothing of more public participation in the economy. Chirac's Gaullists have few ideas to propagate. They appeal to voters who are anxious about hierarchy and order, and they can mobilize a formidable network of patronage (not unmixed with corruption) constructed in two decades of control of the state. Giscard's expert in these matters, Prince Poniatowski, had to leave the government after a series of failures and scandals. Meanwhile, Premier Barre has applied his classical economic doctrines with a professorial lucidity that has evoked the admiration of his friend, Arthur Burns. Increased unemployment, more inflation and declining production have been the result. Giscard no doubt wishes to end the sclerosis of society and the state which is the curse of France. But that would require both an expanding economy and the large political consensus he has been utterly unable to create.

The Union of the Left may enter the elections in dispersed order of battle. If Communists and Socialists vie with each other for seats which only their combined forces could win, the ensuing wastage will profit their opponents. It is clear, however, that many voters who supported the Union are disappointed and shocked by its rupture. They may honor the old French adage, no enemies on the Left. The parties may contract an electoral alliance without a common program. The Communists did not enter Blum's 1936 Popular Front government, but they supported it. A Socialist Party with more than 30 percent of the vote would be indispensable to any majority. Chirac, with characteristic impetuosity, has already declared that the rupture makes no difference: the Socialists are as bad as the Communists, and the Gaullists will refuse alliance with them. As for the Communists' fear of and Giscard's hope for a Center-Left coalition of the Socialists and his own supporters—it is difficult to envisage Socialist parliamentarians aligning themselves with the very elements in French society they have promised to replace.

We have reached the terrain of speculation where most of the ground is already occupied by commentators who find in the rupture of the Union of the Left evidence for their own primary article of political belief—that nothing can ever change. *The Washington Post* has observed, editorially, that now the Italian Communists won't be able to enter government. Perhaps, but the Communist position in Italy is growing stronger, and since the Italian Communists' policies resemble nothing so much as those of the French Socialists (with whom their ties are friendly), they may have been strengthened by the behavior of the French Communists. The historical developments that gave rise to Eurocommunism cannot be abrogated by a decree of that party's Central Committee. The desire of a substantial segment of the French electorate for major changes (documented by polls, elections and an entire range of cultural and political protests) will not simply disappear. A period of large and prolonged turbulence lies ahead. □



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MEANY AND BUSINESS vs. THE ILO

# WILL WE PICK UP OUR MARBLES?

**BARBARA KOEPPEL**

To leave or not to leave the International Labor Organization (ILO) is the question President Carter must decide sometime between now and November 6. On that date, unless he moves to prevent it, a U.S. departure from that world body will be automatic. For two years earlier, then Secretary of State Henry Kissinger officially notified the ILO in Geneva that the United States intended to withdraw, and according to ILO procedures, if the notice isn't retracted, the withdrawal takes place.

The organization, the Kissinger letter charged, "no longer serves the interests of the workers . . . or nations committed to an open political process." It had lost its original tripartite structure (with government, employer and labor representatives independent of one another). It had developed "double standards" in its pursuit of human rights violations—condemning some nations but not others. Further, it had become so politicized that most of its energy was spent on polemics.

Since then, a Cabinet-level committee has met four times in an attempt to decide how to advise the President. Each time, the battle lines were clearly drawn. Tough in their denunciations are the AFL-CIO, which has represented American labor since the United States first joined the ILO in the '30s, and the employer delegates from the National Chamber of Commerce. To their side they have rallied important support from Secretary of Labor Ray Marshall and Secretary of Commerce Juanita Kreps. Anxious to remain in the organization are Secretary of State Cyrus Vance and National Security Adviser Zbigniew Brzezinski.

To date, the President's opinion is unknown; accordingly, as November nears, pressure mounts. Letters pour into the White House from all the leaders of Western Europe and many developing countries, urging the President to reconsider in the name of international cooperation. Labor leaders from Canada, Britain, France and West Germany have appealed to AFL-CIO chief George Meany to reverse his stand, but the AFL-CIO and National Chamber hold firm, insisting that nothing has changed since Kissinger wrote his letter.

Defenders of the ILO agree that nothing has changed, but argue that the charges are only a smokescreen. The issue, instead, is control—the decision-making power over budget, policy, program and staff positions—and has been simmering for some time. The battle which erupted at the last annual conference, for example, over structural reforms in the organization's governing body and over certain rules of procedure reflected this struggle for control. The developing and Socialist world want more of it, and the industrialized nations, but primarily the United States, are fighting to keep what they have.

As in the United Nations, with the emergence of many small countries and their subsequent entry into international organizations, the United States lost the vast influence over the ILO it enjoyed in the immediate postwar period. As one National Chamber of Commerce spokesman admitted, "We can now muster only 135 votes at the annual conference to their [the Communist-Third World-Arab bloc] 197. The last meeting proved this. So it's time for us to leave."

On the AFL-CIO position, one long-time labor leader (not in that confederation) observed, "George Meany can't tolerate an organization which he doesn't dominate. For him it's either rule or ruin. He's already pulled out of other international groups, like the International Confederation of Free Trade Unions. And the employers, who've never been happy about being in an agency where they must share power with labor, were only too delighted to jump on the Meany bandwagon."

Some ILO supporters say it's a matter of ideology, that an avowed anti-Communist Meany and Chamber of Commerce have been upset ever since the Soviets reentered the world body in 1954. The Soviets were ahead of the Americans in the organization, being one of the initial members in 1919 when it was set up by the Western powers in the Versailles Treaty. As one ILO ex-official explains:

> With the Bolshevik model fanning revolutionary fever across Europe, the West concluded it needed an international organ to cope with—and contain—the spread of communism. Purely European at the start, the membership shifted, with Stalin and Hitler opting out in the '30s, and the United States joining. And until the post-World War II period, it remained an instrument of the West.
>
> Meany took the view that when the Soviets re-entered in 1954, the United States had to stay, to insure that the Communist ideology wouldn't spread through the forum of the ILO. He feared that if worker representatives from around the world heard the Soviets, they might be attracted to the Eastern European system.

Armed with the majority vote, U.S. delegates were able to flex muscle successfully for many years. For example, in 1970, when the newly elected British director general named a Russian as his deputy, both Meany and the National Chamber were so outraged that they convinced the United States to withhold annual dues for two years. For their part, National Chamber delegates blocked all but six of the 300 ILO conventions and resolutions from being ratified by the U.S. Government, a tactic which clearly punctured the organization's prestige. And until today, they have prevented Soviet employer delegates from being elected to the ILO governing body, the nerve center of the organization which elects the director general and fixes the agenda for the annual conference.

Now, in a recent letter to Mr. Carter, National Chamber of Commerce President Richard Lesher contends that the "most representative organizations of employers and workers [itself and the AFL-CIO] want out." He adds that

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*George Meany*

these groups, because of their long participation in the international body, are "well able to judge the merit of the ILO, or the lack of it."

Although it is true that such statements reflect the views of the two groups' leadership, it is equally true that many in labor and in business or industry think otherwise. Amongst labor, unanimity is surely lacking; United Auto Workers President Donald Fraser and International Association of Machinists President William Winpisinger recently broke ranks, sending letters of their own to deplore the impending departure. Other labor leaders, even within the AFL-CIO, privately oppose Meany's position. Some stress that although the AFL-CIO may be the largest confederation in the United States, it can't assume to speak for all workers. They point out that other factions have vied for a voice in the world body. But, for example, when the AFL's role as sole representative was challenged by the CIO (at the time when some of the industrial unions split off to form their Congress), Meany threatened to withdraw support from the Democratic administration. The result—the bid was defeated.

Nor is the business and industrial community unanimous in favor of withdrawal. In fact, some U.S. multinationals find participation in the ILO almost a prerequisite to operate in developing countries, since the organization serves as a palliative against unfriendly forces.

As to the charges in the Kissinger letter, many insist they simply don't hold up or, if valid, could have been made years ago. To the first, that the tripartite structure has eroded because employer and labor representatives from Communist nations are completely controlled by their governments, the organization's defenders reply that the same is true of delegates from capitalist countries where dictators prevail. Further, nothing in the ILO constitution requires that employer delegates be "independent"; rather, they must simply represent management.

The "double standard" issue arose when Arab states tried to condemn Israel for alleged violations of ILO conventions in occupied territories (and, worse still, bypassed normal procedures). This infuriated the strongly pro-Israel AFL-CIO delegates who saw no condemnations forthcoming against the Soviets for their alleged unfair labor practices. But as Victor Reuther, former director of International Affairs for the UAW and one closely linked with the ILO recalls, "If this was a burning issue why didn't we do something about it earlier when we had the votes? Double standards have always existed. No one suggests sending expert teams to investigate the Soviet Union any more than they would to the United States. The smaller countries were always more vulnerable."

Regarding the "politicization" which the opponents charge now destroys the work of the conference, supporters respond that the problems of workers are tightly linked to political and economic issues, while the U.S. delegates see such problems as technical ones requiring strictly technical solutions. Also, those familiar with ILO history say that the conferences were always a stage for politicking. After the Soviet invasion of Hungary, for example, or during the French war against Algeria, there were loud denunciations of both countries. "What has changed," a French delegate noted, "is that since the late 1960s, the United States has increasingly been the target."

Even now, despite the U.S. charge that the balance of forces has shifted (and to some extent that is true), the U.S. threat to pack up has, he continued, "demoralized the ILO staff and paralyzed the agency's work." He added that some nations, France and Italy among them, were intimidated. Two years ago, these two agreed to some Third World demands for structural changes which would increase the developing world's influence on the governing body. Now, faced with the U.S. threat to withdraw, they have reversed themselves.

Why the storm over a U.S. departure? Though an AFL-CIO spokesman claims the 135-nation ILO no longer serves its primary purpose—to help workers around the world—and the National Chamber source claims it never did ("There isn't any evidence that one ILO action ever helped one U.S. worker or reduced unemployment anywhere"), some insist otherwise. Such work, they say, as setting standards on trade union liberties, collective bargaining, female and child labor, forced labor, etc., along with operating training and technical assistance programs for developing countries, is invaluable and couldn't be duplicated elsewhere. And while the ILO has no army to enforce its conventions, "just being cited in violation is profoundly embarrassing and has caused more than one country to modify its practices," René Salane, the French labor delegate explained.

Perhaps the most crucial element to many labor partisans is that the ILO is the only world body where workers have an official voice. According to Salane, the significance of this fact is reflected in the current fight (between employer and labor delegates) over the establishment of an ILO information bank on toxic substances, which



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labor unions around the world could draw upon. "Without an arena like this in which to wage labor's battles, struggles such as these couldn't occur," he said. Deprived of the U.S. annual contribution of about $20 million (25 percent of the ILO budget), and the unquestioned influence of the world's largest industrial power, the organization would be seriously weakened, perhaps even destroyed.

Lesher, presenting the National Chamber of Commerce's case for departure, argues that the "ILO can't be reformed, because the voting majority is against it." In all probability, he is right from his viewpoint. Many ILO supporters, both American and foreign, are also pushing for reform, insisting it is crucial, if the ILO is to function effectively. The reforms, however, would not match the Lesher variety, and without them, even if the United States agreed to remain, the reformers reason, the same problems will plague the organization.

"Because they [the United States and other industrialized nations] controlled most policy decisions," one Western delegate explains, "they also controlled what subjects could or couldn't be debated, what studies could be made. There are many problems and interesting experiments, like worker control in Yugoslavia or the relationship between capitalism and underdevelopment, which are never discussed. But with a reformed ILO, where no topic is taboo, the organization could become a forum for discussion of the world's most pressing problems." The U.S. State Department, opting to remain, recognizes that global problems, such as those between developed and developing nations, must be confronted and sees the ILO as an appropriate arena for the debate.

As decision day draws near, the options narrow. Either the United States pulls out, abandoning an international organization which is no longer under its control, but in the process undermining American credibility (particularly in the area of human rights). Or it can stay in and fight for its interests in a world where the forces and alignments have changed, but where all nations are more interdependent than ever before. Even if it remains, so too will the inhibiting conflicts—unless its vision is also reformed. □

ENVIRONMENTAL BALANCE SHEET

# COST BENEFITS OF THE CLEANUP

**STEPHEN D. SOLOMON and WILLARD S. RANDALL**

Surrounded by the snow-capped peaks of the northern Rockies, the Anaconda Company's red brick smokestack rises 585 feet toward the expansive heavens that Montanans call the Big Sky. It is the largest smokestack in the world, shrouding the scenic country with a perpetual white cloud that spreads languidly through Deer Lodge Valley toward the Flint Creek and Pioneer mountain ranges to the north and south.

Here in 1883 Marcus Daly obtained land and water rights on the Warm Springs Creek for a new smelter to process the rich copper ore he had discovered two years earlier in the mountains around Butte, 25 miles to the southeast. He called his smelter city "Copperopolis," a name he changed four years later to "Anaconda," in honor of his company.

Although it remained rural and isolated, Deer Creek County nevertheless had a serious health problem by 1975: a survey of lung cancer death rates by the National Cancer Institute ranked it ninth among 3,056 counties in the United States. Its rate was nearly twice the national average and three times the average expected for rural counties; and even women who had never entered the smelters were dying of lung cancer in disproportionately high numbers. On top of that, a state survey revealed that deaths from emphysema, asthma and bronchitis were also soaring well above the national average.

The problem was the smelter emissions, both inside and outside the plant; they contained a heavy load of inorganic arsenic, a potent carcinogen, and sulfur dioxide, a respiratory irritant. The company hinted that it would close down the plant rather than spend more money—which it said it couldn't afford—to control pollution. With as many as 5,000 workers in the town and throughout Montana standing to lose their jobs, even the residents joined company and city officials in opposing the Environmental Protection Agency's efforts to curb the emissions. "Without the smelter this town couldn't support two cowboys and a saloon," Del Shepart, the bargaining agent for the Steelworkers local, told a reporter.

The Deer Creek controversy is being repeated throughout the country as industry tries to delay or defeat measures to control pollution. The conventional wisdom is that cleaning up the environment is not worth what it would cost in money and jobs. The conventional wisdom is wrong; the latest figures show quite the opposite: few factories have to shut down, many more jobs are created than lost, and the benefits of human health are incalculable.

Until recently, ecologists could do little more than extol the virtues of wild hickory nuts and virgin stands of timber when they fought pollution, and that didn't count for much against industry's arguments about the high cost of cleaning up. But new figures in the cost-benefit formula show that it *does* make economic sense to clean up. At the National Cancer Institute, hardly a

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bastion of biomedical extremism, scientists are quietly spreading the word that up to 90 percent of all cancer in this country is caused by environmental factors such as chemicals, radiation and cigarette smoke. No fewer than 125,000 cancer deaths could be prevented each year by ending exposure to toxic agents. Unbelievably, the toll of lives from occupationally related diseases alone is 100,000 a year, according to the federal government. And they too can be prevented.

Somehow, these figures never find their way into industry's press releases. Like Anaconda, many companies are fighting federal environmental and occupational safety and health regulations by warning that government controls would cause massive plant closings, job losses and rocketing consumer prices. Presidents Nixon and Ford echoed those complaints, ignoring the accumulating evidence that the balance sheet showed few such effects.

What it did show were blatant attempts by some industry groups to kill environmental measures with inflated figures and alarmist projections. In 1975, Congress was considering the Toxic Substances Control Act, which now requires manufacturers to test potentially dangerous chemicals for adverse health effects before producing and marketing them. One after another in the early part of 1975, spokesmen for the chemical industry appeared before Congressional committees with satchels of grim economic reports. Dow Chemical predicted that the industry would be buried under new annual costs of more than $2 billion; the Manufacturing Chemists Association (MCA), the industry's trade group, offered an estimate of $1.3 billion. The legislation, concluded MCA President William Driver, "presents horrendous cost implications to our civilization."

Congress's General Accounting Office didn't think so. In a study issued in October 1975, the GAO said industry had exaggerated its figures, then agreed with the EPA that the cost of testing chemicals would be less than $200 million a year. When Sen. John Tunney held a hearing to investigate the conflicting studies, MCA told him that the figures used to calculate its cost projections had been destroyed.

Other studies have shown that the constant predictions of plant closings and job losses have not materialized. A survey by *New York Times* reporter Gladwin Hill in 1972 turned up only isolated cases related to pollution control among the more than 10,000 businesses that close their doors every year. Frequently, Hill reported, compliance with federal regulations had the constructive effect of stimulating plant modernization and production efficiency.

EPA, which monitors plant closings that involve twenty-five or more workers, reported on December 31, 1975 that only seventy-five plants—eight of them in the chemical industry—had closed or curtailed operations because of the cost of complying with the last five years of federal regulations on the environment. The closings, said EPA deputy administrator John Quarles, resulted in the loss of about 15,700 jobs.

But even these dislocations, surprisingly few in view of industry protests against burdensome regulations, seemed to be concentrated among marginal plants that were already heading for collapse. In November 1974 EPA reported to the House Appropriations Committee that "analysis of these threatened and actual closings shows them to be almost entirely limited to small, old and marginal plants. . . . In most cases, the environmental requirements appear to be at most 'the straw that breaks the camel's back,' often hastening a closing which seems inevitable in the near future even without environmental requirements. . . ."

The number of lost jobs is offset by the increased employment caused by environmental spending. The government is itself committed to upgrading the environment, and the Bureau of Labor Statistics has estimated that each $1 billion of federal environmental spending for this purpose generates 66,900 jobs. Considering the levels of spending in 1975 by federal, state, local and industry sources, a Council on Environmental Quality (CEQ) study estimated the total employment related to pollution control at more than a million people. In fact, the study pointed out, "environmental control-related employment has been one of the relatively few areas of job strength during the recent recession." It added that "government programs and expenditures supporting pollution control will have a beneficial impact on employment, a particularly noteworthy consequence in view of current unemployment levels."

In an economic study made for EPA and CEQ in January 1975, Chase Econometric Associates estimated that the unemployment rate would be 0.4 percent lower in 1975 and 0.3 percent lower in 1976 than it would have been without pollution regulations. This trend, Chase said, would reverse by 1979, causing a net loss in employment, but by 1982 there would be no visible loss or gain in jobs.

Moreover, there seemed to be little to support the complaints of Presidents Nixon and Ford that environmental regulations were inflationary. CEQ reported that environmental measures were responsible for less than 0.5 percent of the 17 percent rise in the wholesale price index for the year ending in March 1974. And Chase Econometric Associates calculated that the consumer price index, the chief gauge of inflation, would be only 1.2 percent higher in 1978 and 0.2 percent higher in 1982 due to pollution controls.

What *are* the costs and benefits of measures to clean up occupational and environmental pollutants? The figures on both sides are staggering. CEQ puts the combined public and private cost of meeting federal environmental standards in the decade 1974 to 1983 at about $217.7 billion, including $143.7 billion for air and $68.1 billion for water pollution.

The Bureau of Economic Affairs in the Department of Commerce has reported that industry plant and equipment expenditures (excluding operations and maintenance) to abate pollution was $4.9 billion in 1973 and $5.6 billion in 1974, about 5 percent of total capital expenditures by business. Adding in the cost of operation and maintenance, CEQ figured that industry spent about $10 billion for pollution abatement in 1975. With federal spending at about $4.2 billion and state and local spending at another $1.5 billion, the total public and



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private expenditures to clean up the environment in 1975 were about $15.7 billion.

Compliance with federal regulations on occupational safety and health cost business another $3 billion in 1974, according to the McGraw-Hill Department of Economics. Spending was expected to rise only to $3.12 billion in 1975, actually a 10 percent drop after adjustment for inflation. In all, public and private spending for environmental and occupational health in 1975 hovered around $19 billion.

That investment, however, brought substantial returns in both productivity and health. Accidents, according to various estimates, cause an $11.5 to $24.4 billion annual loss in reduced wages, lower productivity, administrative costs and other expenses. "The plain fact of the matter is that workplace injuries and job-related health hazards simply are too many and too expensive to tolerate any longer," John Stender, then the Assistant Labor Secretary in charge of the Occupational Safety and Health Administration, told the Massachusetts Safety Council in 1975. He said that the cost of occupational injuries and diseases add "their own brand of potent fuel to the other elements that are active in our current recession-inflation state of the economy."

Pollution of the general environment causes even greater losses. A study by EPA estimated the national cost of air-pollution damage alone to be $16.1 billion in 1968, a figure that CEQ adjusted to $26.6 billion in 1975 dollars. In addition, two studies performed in 1975 set damages from water pollution at more than $10 billion.

While they cost industry a lot, the tough ecology laws have saved money for consumers. A National Commission on Water Quality draft report in 1975 predicted—probably conservatively, since it excluded health factors—that the cumulative dollar gains just from reversing water pollution would reach $13.5 billion by 1980, $38.6 billion by 1985, and $141.5 billion by 2000. A study in 1972 by the National Wildlife Federation, which *did* use health data, predicted a $6.8 billion annual savings ($8.5 billion in 1975 dollars) from cleaning up air pollution and $5.2 billion ($6.5 billion in 1975 dollars) from cleaning up water pollution. "The savings from pollution abatement could in fact be much higher when their cumulative effects in years to come are considered," a CEQ report said in December 1975, "since the benefits of a clean environment will persist long after the installation of the abatement equipment."

Konopacki

One of those benefits would be a reduction in the incidence of certain diseases, like cancer, which are tied largely to the presence of poisons in the environment. Dr. Frank Rauscher Jr., director of the National Cancer Institute until last year, estimated that the nation's cancer bill is at least $21 *billion* a year in medical costs and lost income.

The same is true of birth defects. A Library of Congress report in 1975 revealed that more than 200,000 babies are born each year with a mental or physical defect, and 1.2 million persons are hospitalized for treatment of birth defects annually. Twenty percent of all these defects, the Library reported, are due to environmental factors such as drugs, chemicals and radiation, and another 60 percent to a combination of environmental and hereditary factors. The National Institute of General Medical Sciences estimates that the lifetime cost of maintaining a seriously defective person in an institution is at least $250,000.

Chemical poisons collected in the air over London for five consecutive days in 1952. When the pollution finally dissipated, the city counted its losses: 4,000 excess deaths; 1,100 patients per day admitted to hospitals, 48 percent above the average rate, and millions of dollars in property damage. Stringent pollution control measures were enacted, legislation that cost the British about $1 billion spread over ten years but that cut back substantially on property damage and on the tremendous losses to public health.

The costs and benefits of environmental measures are rarely demonstrated that dramatically. The thousands who fall victim to chemical diseases die quietly in towns all over the country, and the scattered nature of their deaths, unlike those in London, hardly even permits recognition of the problem.

But it is there, as careful epidemiological studies by the federal government have pointed out. The toll in death and disease indicates that Americans have been paying artificially low prices for many of the goods and conveniences they enjoy. Lack of adequate controls on occupational and environmental contaminants has meant lower prices at the time of purchase, but the final bill, tabulated twenty or thirty years later, is the cost of cancer and other illnesses. Strict government controls would make health and ecology a cost of production, to be reflected in the price of the goods.

"It should be understood," Russell Train, the former EPA administrator told the New York Chamber of Commerce and Industry, "that price increases which reflect



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the true cost of pollution control should not really be treated as price increases at all. The increase in the monthly electric bill as a result of pollution controls is, to begin with, a cost that we would otherwise have to pay in the form of health hazards.

"Moreover," he continued, "we really do not have the option of *not* paying environmental costs at all. The question is really who shall bear the burden of these costs? If electric power is generated with inadequate controls over sulfur and particulate emissions, then the cost is borne by the general public through statistically demonstrable increases in mortality and morbidity. If those same emissions are effectively controlled, then the cost of that control is (or should be) passed on to the consumers of the electricity through the rates. It is, thus, a matter of equity and of cost-effectiveness."

It is also, in the end, a matter of saving thousands of lives. Some public officials are beginning to fit the new numbers into the cost-benefit formula. In New Jersey, dubbed "Cancer Alley" because of its shocking rates of lung, liver and bladder cancer, a Senate committee recommended last December that sixteen carcinogenic chemicals be banned from the state.

Although the chemical industry is a $2 billion a year business in New Jersey, and the state has the highest unemployment rate in the country, the committee concluded that the savings in lives outweighed any possible harmful effects on the economy. "Those [companies] who do leave, simply to circumvent laws intended to protect our citizens from cancer, may represent a loss to our economy, but certainly not to our quality of life," the committee stated.

Few legislators have talked that way in the past. But only in the last few years has the extent of human and ecological destruction caused by pollution become known, allowing the conventional wisdom to be challenged. From the Anaconda smelter in Montana to the Du Pont Chambers Works in Deepwater, N.J., the new figures make it obvious that strict controls on industrial chemicals are good for our economy as well as for our health. □

THE WAGES OF HOODWINKING

# 'LITTLE' OIL'S SLIPPERY SLOPE

**DAVID ZIELENZIGER**

Round One in the great independent oil industry conspiracy case is over. The score: convictions seven, acquittals five. Some of the country's biggest "little" oil companies have now been found guilty of fixing the price of more than 17 billion gallons of gas in the Middle Atlantic states over a seven-year span. (See Zielenziger: " 'Independents' They Are Not," *The Nation*, May 7.)

Round Two is already underway in the Federal District Court, Baltimore. The score when it's finished may be something like "public interest" hundreds of millions of dollars, little oil zero. If the convictions of the independent oil companies on August 30 were unprecedented, so to a greater extent will be the forthcoming "reparations" round in which consumers, through class-action suits, will have their chance to get even with "little" oil. If they can convince a new jury, along with U.S. District Judge C. Stanley Blair, that they were hurt by the price-rigging, they will be entitled to triple damages for their injuries.

Judge Blair needs little convincing. As the courageous presiding judge in last summer's case, he refused to let all but one of the corporate defendants plead "*nolo contendere*," saying "little would be revealed and much would be concealed" if he did so. He then presided with distinction over jury selection, trial, charge and verdict, telling the hard-working jury, just seconds before he took their verdict after they had deliberated more than five days: "Some of the witnesses in this case felt so highly of the truth that they used it sparingly." And on September 16, when imposing the maximum fines allowable under the old wrist-slapping provisions of the Sherman Act, the judge regretted that he could not punish the defendants more harshly, saying that he fully agreed with the verdicts and that many of the oil industry witnesses who testified before him had "left their self-respect on the floor of this courtroom."

The lawyers in the case, including at least two legal "grand masters"—William Simon and Paul R. Connolly—and a host of associates from powerful New York, Washington and Baltimore firms had little to say. But they'll be back for the reparations round. And if they are able to draw upon the vast resources they commanded for the defense in the antitrust conspiracy trial, and combine it with some good lawyering, they may be able to cast some doubts on the merits of the various class-action suits that now await Judge Blair's preliminary attention.

"There's no way we can match quantity-wise whatever they do," said one of the class-action lawyers recently, "because private plaintiffs have to rely on expertise and efficiency. But we can get it done, with much better quality, at much less cost than the defendants can lavish on their support services."

Basically, what the class-action plaintiffs will have to show is that they would have saved money had the price of gasoline not been fixed. The jury in the reparations case will be told that, under the Clayton Act, the conspiracy convictions "shall be *prima facie* evidence" in all other actions filed by the federal government and other plaintiffs against "little" oil. The plaintiffs will have to show, using trial testimony about price wars that were

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ended by threats, that the cost of gas could indeed have been much lower. They have other cards to play but for the moment decline to show them. "We'll rely on what the trial showed to be 'pockets of competition,'" one lawyer said. "We'll show how the market changed versus what would have changed absent the conspiracy. And there are some other things we're going to do that can't be discussed. Can you imagine what the defense would do if they knew what was coming?"

Judge Blair has set himself various guidelines, following the class-action rules of the Federal Code of Civil Procedure, so that by the end of the year, he will be able to decide whether the plaintiffs are indeed a class and whether a class-action trial is the proper way to decide the cases. But a reading of the governing rule, the background in the case, and consideration about what might be "reasonable" leaves little room for doubt that he will certify the suits as class-action and that by early January, his courtroom will once again be a place where history is made. "There's never been a class-action case that has ever gone to trial in a big case like this," said another lawyer involved. "None of the other cases this large has ever gone to trial."

Assuming that Judge Blair decides to certify the class and to preside over another extended trial, many of the same characters who appeared before him this summer—and before another judge who presided over a private suit against Crown Central Petroleum that in 1974 precipitated the conspiracy case—will be once again on the witness stand. What they will tell is a remarkable tale of anti-competitive practices that hoodwinked consumers into thinking that the independents—marketers and refiners—were really their friends because their pump prices were always 2¢ below those of the majors.

As the jury found out during the trial this summer, that was a charade, as was talk of price wars, premiums, discounts and fair pricing. In fact, as one key witness testified under a grant of immunity, "Price-fixing was inherent in every phone call." It was an imperfect conspiracy, as Rodney O. Thorson, the Antitrust Division's senior trial attorney and chief prosecutor in the case, conceded from the start. He likened it to an inner tube that periodically needed patching. But overall, from 1967 through November 30, 1974, the independents conspired among themselves to end competition, use the Society of Independent Gasoline Marketers of America (SIGMA), their St. Louis-based trade group, as a price clearinghouse, and act as the majors do—like Mafiosi.

SIGMA, after its conviction as one of the seven conspirators, fired its lawyers and in effect announced it was going out of business. When Judge Blair sentenced it to pay half the maximum fine, $25,000, Thorson asked that it be paid immediately, lest SIGMA's resources "dissipate" so fast the government could not collect. The judge ruled that, pending appeal, a secured bond would do.

According to trial testimony, SIGMA had been getting away with murder for years. Its executive director, Robert R. Cavin, now also convicted, admitted on the stand that the little office with the WATS lines used its resources to make sure the nation's independent marketers were pricing as high as possible. He admitted further that information about forthcoming price shifts was passed on to refiners large and small, but refused to agree that there was anything criminal in that.

"I did it as a service," said Cavin, not the only one of the parade of witnesses who sandbagged the English language when forced to confront the notion of criminality. Naturally enough, the jury didn't believe him—it had heard three months of testimony about how SIGMA would "lead off" price hikes, calling marketers all over the country, telling them of price shifts, and asking, with the implied, ever present threat: "Are you going with us?" It was too much to demand of twelve rational citizens after owners of little oil companies who bought their gas wholesale from the defendants had their personal diaries shown to the jury with such notations as "SIGMA called. Prices going up tomorrow," and admitted they had no choice but to go along. Too many memos with notations like "Prices are going up. Mark my words!" from defendant companies had been introduced and verified as part of the scheme.

As it turned out, most of the defendants weren't even SIGMA members; they were too big for that. Instead, through phony accounts disguised as "advertising," they had paid SIGMA for its services and operated on their own—together. What more than a few SIGMA members came to realize during the trial was that their lobby, which was supposed to protect them from the big boys, had been completely perverted by the big boys.

But SIGMA is far from the only casualty. The legal departments and corporation lawyers of some of the independents are now preparing for years of litigation. For the convictions, if they stand, will stand against them forever as that *prima facie* evidence. The other convicted defendants are familiar names to many consumers:

¶ Ashland Oil, Inc. (through its Red Head, Bi-Lo, Payless, Hy-Fy, and Rotary "select" stations), a worldwide, vertically integrated refiner that ranks 43rd on the *Fortune* 500 list.

¶ Amerada Hess Corp. (Hess), another "lesser" major, placing 48th on the *Fortune* 500.

¶ Petroleum Marketing Corp. (Scot), the wholly owned marketing outlet of 212th-ranked Commonwealth Oil Refining Corp. (CORCO). Ashland has offered to acquire a 49 percent controlling interest in CORCO, which has been a financial disaster for years but which has a Puerto Rican refinery that Ashland covets. The Justice Department has approved the takeover, and sources insist the convictions of both firms did not affect the outcome of its probe.

¶ Meadville Corp. (Merit, Saveway, Martin), with no refineries, thus technically a truly independent marketer. But Hess owns a minority share of the corporation and supplies it with gas wholesale, so Meadville is hardly independent.

¶ Kayo Oil Co. (Kayo), one of the Western Hemisphere Petroleum Division subsidiaries of the giant Continental Oil Co., *Fortune*'s 17th-ranked corporation and a "lesser" major.



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Continental itself was acquitted. The jury found that Kayo's price decisions were made independently of the parent firm, although Thorson had likened the relationship to that of an organ grinder and his monkey. He was probably right but what apparently saved Continental was the savage cross-examination of Kayo's ex-president, Jack W. Chandler, whose grand jury testimony and direct examination answers were devastating, and who came out of cross-examination completely crushed. Although he had been Continental's wonder boy at Kayo, its lawyers and those of the other defendants tore him to pieces, as the jury obviously recalled.

But while Continental's acquittal was understandable in the light of theories about "piercing the corporate veil," there was another which is far from understandable: that of Crown Central Petroleum Corp. (Crown), the Baltimore-based refiner ranked 365th by *Fortune* whose civil price-fixing conviction in 1974 had prompted U.S. District Judge Alexander Harvey 2d to request the grand jury probe that indicted Crown and all the others. Perhaps it was the fact that Crown, a local company, had concentrated heavy advertising at the Baltimore Orioles games and other civic affairs during the trial. Perhaps the evidence wasn't so damning or overwhelming. In an ironic sense, although Crown dragged the defendants into court, it at least did save them from even worse trouble.

For the conspirators are convicted of a misdemeanor. If Judge Harvey had waited a while to ask for the probe or had no private suit against Crown come up for trial in November 1974, then all might eventually have been convicted of a felony. The law was changed on December 21, 1974, upgrading price-fixing to a felony; President Ford termed it a move long overdue. The penalties were also appropriately increased—fines for corporations upped from $50,000 to $1 million; fines for executives from $50,000 to $100,000 and jail time increased from one year to three—in a move sponsored by the late Sen. Philip A. Hart (D., Mich.) and Rep. Peter W. Rodino (D., N.J.).

However, while Crown got away, and will not be a party to January's damages trial, it was reconvicted during the case by Judge Harvey who is still handling litigation stemming from the 1974 civil suit. Coincidentally, in an opinion handed down on the day after all argument ended in the antitrust conspiracy case, Judge Harvey again found "a pervasive web of illegality" in Crown's conduct and declared: "Whether or not the prosecutors in that criminal case can convince the jury of Crown's guilt beyond a reasonable doubt, this court is convinced that the plaintiffs in this case have proved by a preponderance of the evidence that Crown combined with competitors during the years in question to fix retail prices."

So "little" oil got some small consolation on the criminal side. Judge Blair also reluctantly acquitted Norman Goldberg, Hess senior vice president, and Willard H. Burnap, Continental's former executive vice president, on strictly legal grounds of venue and statute of limitations. He also acquitted Charles J. Luellen, Ashland's group vice president, saying that after a few mentions of his role by several prosecution witnesses, there was no evidence against him.

The score, then, is seven to five, and the next show is about to go on. Meanwhile, the Justice Department has launched a new investigation of the companies having interests in the Persian Gulf, including Continental, and has given some indications that it will become more aggressive in the regulation of big oil. It has a stake in the forthcoming damages case, although the government can recover only single damages. But the government is interested in other things than collecting damages.

There was more than a little luck in the SIGMA case. In another administration, the Justice Department might have agreed to accept a *nolo* plea. In another court, a judge with a background like Blair's—after all he was Spiro Agnew's closest aide as Governor of Maryland and for a while as Vice President—might have accepted such pleas, sparing himself months of hard work. In another case, the government might not have had the benefit of the excellent legal discovery work of the lawyers for the plaintiffs who sued Crown initially; it was extensively cited by Thorson and his aides during the trial.

But though the SIGMA case was a victory for justice, it concerned only $4 billion worth of gas in six East Coast states and Washington, D.C. The 17 billion gallons of gas under consideration represent hardly a drop in the nation's gas consumption.

For that reason the trial and the conviction sent shocks through the oil industry, "big" and "little." If the government can subpoena price records from one oil company, it can get hold of more and probably make better cases. So the appellate stage in the case is going to be closely watched, as will the forthcoming reparations trial.

The conspiracy convictions blew the lid off the independents and exposed them to public view. Except for gas, they didn't offer consumers much, and we have now learned that what they sold could have gone for far lower prices. As counter-argument, the companies said they had to be careful not to cross the majors, lest they in turn fall victim to the same pressures they were using on their members.

But the "everybody-does-it" defense may be on the way out. Skeptics never believed it; now a federal jury has also refused to accept it. (Within three weeks of the SIGMA convictions, another jury, also before Judge Blair, convicted the Washington area's largest real estate firms of price-fixing under the new felony provisions. That jury needed little convincing.)

Defense lawyers, then, may have to concoct new theories to cope with this new body of public-interest law. And with the revival of the Clayton Act's treble-damage provisions, which date from the progressive era, their clients may have to pay out significant sums in damages to all sorts of direct purchasers who can prove they were injured.

That's why SIGMA, phase two, is so significant. It won't just be the independent oil industry that will be watching Judge Blair's courtroom in coming months. It will be Big Oil, too, and hundreds of interested lawyers from other branches of industry. For once, it seems that American business is really scared. It's not just the oil industry that fixes prices. As they say, "Everybody does it. . . ." □



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# BOOKS & THE ARTS

## The Self-Sufficient Mind

LETTERS ON LITERATURE AND POLITICS: 1912-1972. *By Edmund Wilson. Selected and Edited by Elena Wilson. Introduction by Daniel Aaron. Foreword by Leon Edel. Farrar, Straus and Giroux. 768 pp. $20.*

**LEONARD KRIEGEL**

One difficulty of writing about Edmund Wilson is that of resisting one's own desire to eulogize the man. This, in fact, has been the difficulty Wilson has always presented, especially for those writers whose own point of view he helped create. Wilson probably did more than any other American writer, certainly any other American writer of our century, to popularize the historical interpretation of literature. As a critic, his virtues are so readily apparent that we can say of him that he is one of the few writers in our history whose performance is his identity. The weight and power of his work has become a formidable intellectual presence. If one could not set about to become an Edmund Wilson, one could, at least, bring to the study of literature the kind of intellectual honesty and historical integrity that Wilson himself brought.

It is that presence which makes Wilson so difficult to write about and which accounts, in part, for the desire to eulogize both the work and intellectual example the man set. Sooner or later, almost every piece written about Wilson speaks of him as a "conscience." In *Letters on Literature and Politics*, Daniel Aaron concludes an otherwise excellent introductory essay with a phrase that by now seems an inevitable cliché of writing about Edmund Wilson: "he was the moral and intellectual conscience of his generation." The idea is a bit too patent by now. That Fitzgerald needed a "conscience" (it was Fitzgerald who first applied the term to Wilson) is the element in Fitzgerald that prevented him from becoming a writer of genius. Can one think of Joyce or Mann or Proust or Faulkner asking for a kind of intellectual overseer who would keep his work honest? Of course, this is not Wilson's fault but rather the problem of the literary situation here in America, a problem Wilson understood very well. His famous essay, "Hemingway: Gauge of Morale," is a good example of Wilson's value as a critic. A single paragraph in that essay, with an almost at-random substitution of names, can pass as judgment on so many American writers today. The effect is peculiarly depressing, as if literary history were reflected in a fun-house mirror designed to project the past by stripping the present of its singular illusions.

> And now, in proportion as the characters in his stories run out of fortitude and bravado, he passes into a phase where he is occupied with building up his public personality. He has already become a legend, as Mencken was in the twenties; he is the Hemingway of the handsome photographs with the sportsman's tan and the outdoor grin. . . . And unluckily—but for an American inevitably—the opportunity soon presents itself to exploit this personality for profit. . . .

Even if one gets beyond the temptation to speak of Wilson as a "conscience," it is tempting to use him as a means of measuring the work of so many other critics. As difficult as it is to be a novelist or poet in this country, it may be even more difficult to be an honest critic and journalist. For all of their romantic posturing as adversaries to the conditions of American life, most writers, like most teachers and bankers and plumbers, keep a sharp eye out for the main chance. It is so much easier to speak about the world outside one's window and to ignore one's own cash-and-carry relationship to American life. Wilson never permitted himself to get away so easily.

And yet, even if one resists the temptation to make Wilson a gauge of literary morality, there is no way to deny the man's substantial virtues. How refreshing his *Letters* are and how much contact with his mind can mean to anyone interested in literature! There is no getting away from the man's intelligence, just as there is no getting away from the fact that he is one of our few critics who wrote well. Wilson's generation produced critics who might be considered more profound or more capable of the task of sustained analysis, but it produced no one else who wrote about books as if literary criticism could be an art fit to match its subject matter.

Throughout his career, Wilson was attacked as a critic who did little more than summarize plots and offer limited biographical information about his subjects. For anyone familiar with the body of his literary criticism, this is obvious nonsense. Wilson was as capable of close textual reading as any critic we have had, but he did not conceive of such analysis as the primary function of criticism; it was important only insofar as it helped the critic make an author or a body of work available to the common reader. Like the novelist and poet, the critic was a creator of literacy. Wilson's criticism is impressionistic, but it is a criticism which embraces a novelist's conception of role. His critical perspective was historical. He was involved with those writers who had created literature, some of whom were the critics who had preceded him, such as Taine and Saintsbury. And he had the ability to re-create the intellectual atmosphere of the past by elucidation of the specific, even local, aims of an author. The result is a literature that transcends national boundaries, a quality just as evident in *Upstate* as it is in *To the Finland Station* and *Axel's Castle*. In order to make a particular writer or a particular literary movement available to the common reader, the critic must first capture what Hazlitt called "the spirit of the age." No one was better at that than Edmund Wilson.

Since Wilson's death in 1972 at the age of 76, material from his pen has continued to be published. The notebooks and diaries which he had been getting into shape since the 1960s have been given over to the general editorship of Henry James's biographer, Leon Edel. Wilson personally chose Professor Edel as the editor of his posthumous papers. The first volume to appear after his death was *The Twenties*, published two years ago to reviews that said little about the book and a great deal about Wilson's position as this country's "foremost man of letters." Under the best of circumstances, serving as Edmund Wilson's literary steward would have been immensely difficult. These difficul-

*Leonard Kriegel is the author of* Notes from the Two Dollar Window *(E.P. Dutton). He is currently at work on a study of masculinity in American culture.*



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## STARS IN MAINE

*Back where we came from*
*headaches and streetlights*
*get in the way of the moon.*
*Here in the dark wind*
*off the mowed field*
*thousands of stars drift*
*across a deep black pool.*

*On Friday the cat drowned.*
*Pulled from the cistern she lay*
*on the grass, the black and white fur*
*burning dully. We buried her on a knoll*
*over the river, piled rocks on her grave.*

*In the heavens the Big Dipper hangs*
*upside down, spilling its load*
*of dead animals. They scatter across*
*the grave of sky, bones falling apart*
*into stars.*

*It is dark up there*
*and big. Another wilderness. I can't*
*connect the dots of the darkness,*
*can't find Orion*
*to tell you his sword is harmless,*
*you should not fear.*

Steven Bauer

ties are compounded by Wilson's obvious importance in our cultural history as well as by the manner in which he supervised his editor. *The Twenties* was simply too diffuse, too gossipy in a kind of pointless way. Its lack of footnotes, which Wilson himself despised, left much that was vague or unexplained for the general reader. It is, in fact, the only one of Wilson's books which I have heard people speak of as "tedious." It reads almost as if Wilson had set about the formidable task of vanquishing the past by putting down everything he remembered. In his Introduction to that book, Professor Edel called it "perhaps the largest authentic document of the time." And this was exactly the difficulty that the general reader had with it. It was simply too ponderous. Because there was so little in the way of differentiation and selection, the book fell far short of *The Shores of Light*, in which the power of the contemporary reviews embodies the attraction of the 1920s and 1930s.

*Letters on Literature and Politics* is far more successful. The letters have been edited, somewhat unorthodoxly, by Edmund Wilson's wife, who deserves a great deal of credit for having hunted them down (Wilson did not keep carbons of his correspondence) and who has produced a volume which, as a commentary on her husband's mind and work, is not likely to be surpassed even when the more comprehensive collection of letters planned for a later date is published. The decision to limit this volume by not including "love letters, family correspondence, and the like" is probably fortunate, since our interest in Wilson is the remarkable quality of the man's mind coming into contact with other minds. By grouping the letters both chronologically and thematically, Elena Wilson has given the reader the opportunity to carry on the kind of debate with intelligence and taste that Wilson's own essays and reviews gave his readers. There are, of course, questions of editorial perspective. Was it really necessary to follow letters dealing with Wilson's famous controversy with the Modern Language Association with a series of letters entitled "Edmund Wilson Regrets"? And a few of the letters do not seem to have been logically placed.

But this is mere quibbling, for the record that is developed here provides one of the most readable collections of letters by any American writer of our century. It was always his readability that set Wilson apart. Conscious of the need for clarity in his own pursuit of the intelligent reader, he insisted on such clarity when editing the prose of others. As editor of the book section of the *New Republic*, he writes to R.P. Blackmur, "You have never quite mastered a satisfactory expository style." Blackmur was a trenchant, at times brilliant, critic of literature. Like Wilson, he took literary criticism very seriously, and he once defined it as "a self-sufficient art." But he lacked a sense of audience, so that he wrote as if the very act of reading literary criticism was a kind of religious initiation. It is one of the problems that one discovers in so many American critics, in whose hands literary criticism is sealed off from common concerns. But Wilson, even when he was at prep school, consciously modeled himself on Shaw and Mencken. What is characteristic of his correspondence was characteristic of his criticism. His prose is direct, vigorous, and clear. The public and private man turn out to have a single style, even down to the unfortunately consistent use of "first-rate" and the expression "to hit most of the nails on the head."

Along with the consistency of the prose style, these letters are also remarkable for the extraordinary range of correspondents to whom they were addressed. And as valuable as they will be for scholars, they can be read with pleasure by anyone interested in a remarkably self-sufficient mind. The man, the writer, is so much a presence. But the *Letters on Literature and Politics* cannot be said to give us a different side of Edmund Wilson. A reader familiar with his work will notice yet again the extent to which he was a child of his class, a product of that older America he came increasingly to celebrate. It was this sense of belonging to a different time that lent to his work so incisive a point of view. For a writer who first made his reputation as a discoverer of modernism, he viewed this century and its products with a certain disdain, almost contempt. His sense of being an "alien" in the modern world was to grow stronger and stronger, although one can already detect signs of it in some of his undergraduate letters written to Princeton and Hill School friends before World War I.

One of his Princeton classmates remarked of him that, as an editor of the *Nassau Lit*, he never seemed aware of the possibility of being wrong. One finds this dogmatic quality, too, in the *Letters*, but here it is tempered by a sense of intense struggle with both life and literature. He is obliged, perhaps by that very familial legacy he was to write about so often during the last two decades of his life, to question his performance. As a soldier in France in 1917, he writes a Princeton friend these lines which seem, when we read them, to have sprung from the famous preface to *Patriotic Gore*:

> The illusions of nationalism, the private interests of politicians, and the ignorance and stupidity of most of the men who do the fighting make the ideals which are said to be the goals of the war seem as dubious as the ideals which we know to have proved false in earlier wars.

But this "atavistic Protestant," as he once called himself, insists on the literal in his interpretation of religion. "I hope," he writes to his friend Allen Tate in 1951, "that becoming a Catholic will give you peace of mind; though swallowing the New Testament as factual and moral truth seems to me an awful price to pay for it." He himself will have nothing to do with redemption of any kind, other than that which the writer earns through his work. He dismisses Tate's new-found religious belief, as he had earlier dismissed Eliot's. "Christianity seems to me the worst imposture of any of the religions I know of." His loyalties are to friends and to literature. At times, when the two merge in his mind, he is capable of judgments which seem to us almost dense in their refusal to see what we see. His love of Edna St. Vincent Millay apparently blinded



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him to the sophomoric quality of a good deal of her poetry, while his belief that Max Beerbohm is "an artist of the first rank" (first voiced in a letter to a friend when Wilson is 16 and still apparent in letters written when he is 75) remains one of those inexplicable mysteries of taste.

He insists, however, on looking at the world through no one's eyes but his own. He can dismiss Tolkien as "awful" and can accurately point out that "there is something rather vulgar" about Picasso's work and life. This is the same stubborn need to judge for himself that one could discover in his brilliant chapter on Joyce in *Axel's Castle*, when he was one of the very few critics capable of saying about *Ulysses* that Joyce had simply "tried to put too many things into it."

When their political sympathies or their religious needs interfere with their sense of reality, he calls his friends to task: he views the Goldwaterite conservatism of John Dos Passos in much the same manner as he viewed Allen Tate's Catholicism, an anachronism which destroys the writer's ability to see the world as it is. As we read them, these letters become an intellectual sketchbook of the kind his journals were intended to be. It is all here—his delight in parody; his broad, almost frightening, capacity for scholarship; his extraordinarily wide reading; his interest in travel; even his depression at the numerous facets of modern life which had once excited him (such as New York, a city which he excoriates as if he were a rejected lover, only to show up again and again to excoriate it some more).

But his shortcomings are equally apparent. "I don't know a thing about Thomas Mann," he writes Hamilton Basso, "never having read anything by him except a few short stories." In fact, as receptive as he is to literatures scarcely read beyond their own countries, such as Haitian literature and the literature of French Canada, he seems almost smugly indifferent to German and Spanish literature. His remarks about politics all too often have the ring of someone who takes *The New York Review* and the memoirs of Confederate statesmen with equal literalness. Writing about his tax troubles with the federal government, he sounds like the aging James Fenimore Cooper. Not that he loses his passion for social justice; he simply puts it aside for the moment.

From the beginning, however, Wilson is relentless in his pursuit of the career of a man of letters. And there is, finally, something awesome about his performance, something which accounts for the eulogistic tone of the writing about him. He survived the meretricious, the shoddy, the thousand and one ways in which the literary life can so easily trap one in America. In our literary history, there is probably no better example of a writer refusing to succumb to the demands of the world. A writer must be his own "conscience." But examples are always needed. And it was as an example that Edmund Wilson was so singular. *Letters on Literature and Politics* is a splendid book, an invaluable document with which to seek out a writer and his time. □

# Over-Choice and Pseudo-Choice

MEDIA, POLITICS AND DEMOCRACY. *By Bernard Rubin. Oxford University Press. 192 pp. $8. Paper $4.*

SNAP, CRACKLE AND POPULAR TASTE: The Illusion of Free Choice in America. *By Jeffrey Schrank. Delacorte Press. 192 pp. $8.95.*

**HERBERT I. SCHILLER**

Writing about the mass media has become a growth industry. Books describing, explaining and sometimes deploring the informational trades, stream off the presses. Though it is difficult to identify the audience for this product—other than those specifically mentioned or directly involved—there is a good reason for the continued interest and attention to the subject. Throughout the country there is a strong, if only intuitive, feeling that reality is being routinely violated by communications managers. Consequently, attacks on the media, from all sides of the political spectrum, are widely accepted by a large and (presumably) growing part of the population.

The popular reception of most information betrays a pervasive and intense mistrust. And why not? No election campaign today, local or national, is without its television consultant. "Issues"

*Herbert Schiller is professor of communications at the University of California, San Diego. His most recent book is* Communication and Cultural Domination *(International Arts & Sciences Press).*


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are discovered, promoted and orchestrated in the national media to accord with policy decisions arrived at obscurely and privately. Vital questions go unmentioned. Crises remain unattended, yet global crusades such as "human rights" are announced and pursued as if such matters corresponded to widely expressed national opinion.

Advertising and public relations sell products, companies, ideas and the social order itself. The marketing-packaging process is applied to every point of our existence. How this has come about is a long and complicated story which requires a close look at the economy's historical evolution. Here we can only point out two characteristics of the American media system which are related to the ways in which human consciousness is menaced: first, the media are businesses; and, second, media products are unique because economic and cultural elements are combined in imaginative ways that seem to deny the existence of the former and to affirm the priority of the latter, when the reverse is actually the case.

Almost ten years ago I reviewed Bryce Rucker's *First Freedom*, a study of media concentration and monopoly in America, for this magazine. I wrote then that "Monopoly, profit-maximization and a public-be-damned stance are located in the most dynamic, modernized and 'cleanest' industries. They provide the national image of what is normal, what is orderly, what is preferable and what is just." The situation today is appreciably worse. In TV, three-quarters of all the stations in the top 100 markets (TV's way of saying population centers), are owned by groups (chains). The press reveals more of the same. Of 1,762 daily newspapers in the United States, 1,047 are part of group ownership arrangements. The number of cities with competing daily papers has shrunk to a handful. Film and publishing demonstrate the same depressing features—concentration and monopoly.

All of this makes it obvious that the media are organized to make as much money as possible. But beyond this "normal," incontrovertible fact of business motivation—with all it suggests for the character of the media outputs—is a second, vital consideration. The most powerful and influential media channels are relied upon by the rest of the near-monopoly sectors of American industry to carry *their* sales and other messages to the American people. Television and radio are, in the truest sense, the bought instruments of huge, consumer goods producers: Procter and Gamble, with its monstrous annual (1976) advertising expenditures of $445 million; GM's $287 million; General Foods's $275 million; Mobil Oil's $147 million. The total outlay of the top 100 national advertisers in 1976 reached almost $8 *billion*.

No facet of daily life can remain untouched by these elemental relationships. What sometimes appears to be an uncontrolled flood of sounds, sights, scenarios and messages, inevitably, though often with considerable mediation, is the outcome of objectives designed to meet the profit-seeking criteria of monopoly industry. Any study of the media which leaves out or minimizes this overarching dimension of contemporary political economy, is irrelevant.

Jeffrey Schrank's *Snap, Crackle and Popular Taste: The Illusion of Free Choice in America*, is not guilty of any such oversight. For this reason, and despite many shortcomings in style, scholarship, and depth, Schrank provides some useful insights, while Bernard Rubin's *Media, Politics and Democracy*, with all its good intentions, minimizes the underlying political economy of the media and inevitably disappoints.

Schrank is examining a central and intriguing question—how is social control achieved in America? The question is simple but far-reaching. How does monopoly—in all lines of industrial and cultural activity—conceal what should be a strikingly clear and unattractive image of itself to a public, which despite a century of conditioning, remains populist and anti-monopolistic? It does so, and with remarkable success, Schrank explains, by imposing, with the continuous and massive assistance of the media, the monopolists' definition of "free choice." Monopoly banishes its overwhelming presence by convincing most people that they possess an abundance of choices—choice in goods, politics, cultural and personal decision making. The control process is carried a step further by defining "freedom" as the embodiment of these manifold choices.

Yet, "overchoice is the surface experience but pseudo-choice the reality," Schrank writes. Pseudo-choice he sees "as a decision made without an awareness of hidden forces at work in shaping that decision." *Snap, Crackle and Popular Taste*, accordingly, is an effort, often uncomfortably thin and minimally elaborated, to specify some of the "hidden forces" that govern the provisioning of American life. Large passages are devoted to the food industries, automobile production and purchase, advertising, television, sport, and the environment, including housing. Underlying all these sectors and industries are the monopoly structures which honeycomb the economy.

In food products, for example, Schrank reminds us that only fifty companies account for the thousands of brand names that cram the shelves of the supermarkets. Freedom of choice is carried forward by such offerings as frozen steaks with artificial grill lines imprinted on the meat.

Needless to say, monopoly moves easily from food to culture. Three networks determine the bulk of the television programming which is presented with so much assurance of viewer choice to the public. In addition, each network imitates the other two to be sure no one chain moves too far ahead. As for cars, the subject is familiar terrain, but Schrank emphasizes that the pseudo-choice that the automobile offers excludes the options of safety, economy, reliability, and, most important, the alternative of practical public transportation. Schrank is especially illuminating on the subject of shopping centers—the vast marketing emporiums that have grown up across the country since the end of World War II. They now account

## THE COLD DID NOT BREAK

*The cold did not break.*
*The hunger did not pass but*
*held us tighter, like our mothers*
*who could not keep up.*

*There were mornings breath*
*would hang like bags of ice*
*from the muzzles of the horses,*
*and we would discover some*
*old woman who had wandered*
*out of camp, frozen and balanced*
*on all fours like a crab*
*with huge glass eyes. We*
*would thaw the ground*
*with a scrub fire while*
*a daughter removed wedding rings*
*and other jewelry. We buried them*
*like that: on their sides,*
*their stiff arms and legs*
*pointing in the same direction.*

*There was nothing left but to beat*
*fertility into our women.*
*To beat the children*
*that passed out of them.*
*That was our strength:*
*to torture what we loved, to endure*
*ourselves, over and over.*

Gary Young



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for more than half the nation's retail sales. These complexes are made to appear as if they were assemblages of local merchants, banded together for the shoppers' and their own convenience. Actually, they constitute a network of distribution outlets for the national consumer goods producers.

> Few of the average shoppers (who typically spend an average of five hours a week at shopping centers) would think of going to Interco or U.S. Shoe Corp. or Genesco or the Brown Group for clothes. But Genesco is the Nashville, Tennessee company that operates Flagg Shoes, Jarman's Shoes, Johnson and Murphy Shoes and Whitehouse & Hardy Men's Wear. All four of these stores are represented at Woodfield, near Chicago, the nation's largest enclosed shopping mall. There are eight men's shoe stores listed at Woodfield. Of the eight, three are Genesco outlets, two are from Interco (Florsheim and Thayer McNeil) and one is of the Brown Group (Regal Shoes; also represented in the mall with a women's shoe store called Air Step). Three other shoe stores (Wild Pair, Chandler's and Baker) are owned by Edison. . . .

So much for variety, diversification, market competition and support for your local businessman.

What has long overtaken the production and distribution side of the economy is equally true of the political arena. The continuing trend of voter abstention is no random characteristic of American national life. An uninformed but accurate instinct that senses that the big decisions are made *outside* the formal political process permeates the electorate. Political democracy has been gutted by the same monopoly power that organizes the rest of the economy. The institutions and structures that are essential for popular democratic participation to flourish, have been captured or eroded by concentrated corporate authority. One of the most important of these institutions, the mass media, did not require capture. It incorporates the moneyed power in the infrastructure of the steadily more influential informational sector.

Bernard Rubin, in his *Media, Politics and Democracy*, seems overwhelmed by these realities. His book contains enough evidence, though unsystematically arranged, to convince anyone, including the author, of the actual state of affairs. But Rubin is his own reluctant assessor. The media's connection to and connivance with commercialism, racism, violence, Vietnam and Watergate are approached knowledgeably. Rubin affirms the media's continuing dereliction in informing their audiences about the catastrophes of recent decades. The impoverishment of children's television programming, the violence on TV, the *real* violence of American life that goes unexamined and unreported, the long flirtation of the media with racism and sexism and the rampant commercialism are amply reviewed.

Yet the reforms suggested are limited and banal; the factors Rubin finds "hopeful" are tarnished and discredited. Those United States's "communications experts" that Rubin lauds for their prescriptions to undeveloped countries—which he believes might well furnish a model for domestic use—are regarded in most of the Third World today as efficient salesmen for the American business system. The technological "fix" that he believes cable TV can supply to overcome network domination has all but vanished. The advertising agencies have already alerted the business community that once the magic 35 percent saturation level of households has been reached by the cable, they will see to it that the most widely viewed channels will be at its disposal.

Rubin writes as if a fundamentally healthy political organism was stubbornly embarked on a course of folly against


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its own self-interest as well as against the advice and good wishes of decent folk. But it is at least thirty-five years too late for such an appraisal. To suggest it now is to extend the confusion and mystification about the source of the malaise. Giant concentrations of corporate wealth and power cannot be accepted for what they claim to be—providers of democratic choice. That their claim still retains credibility is a useful though gloomy reminder of who is in charge, in the media and in the economy at large. □

# Steady Moral Seriousness

REBECCA WEST: A CELEBRATION. *By Rebecca West. Introduction by Samuel Hynes. Viking Press. 780 pp. $20.*

**ANNE FREMANTLE**

"What I chiefly want to do when I write is to contemplate character: either by inventing my own characters in novels and short stories based on my own experience, or by studying characters in history, ancient, or, by preference, modern." So Dame Rebecca West at 85 spoke of herself in a BBC talk, reprinted here. Appearing in print since 1911 (her earliest "concerns" were feminism and social reform), she has written fiction, biography, history, literary criticism, travel and trial reporting, and in all these areas she has "contemplated character." But she has also infused everything she has ever written with what Samuel Hynes calls her "steady moral seriousness."

This volume of vintage West, brilliantly selected and edited by Marshall Best, assisted by Dame Rebecca herself, is a sampler that sent this reviewer back to several of the books excerpted. *The Thinking Reed* (over 35 pages of it here) is tender, funny, wry—and the book has, surely, the most subtle portraits of men penned by a woman since Jane Austen. The 30 or so pages from the unpublished *This Real Night* make one long for more. *The Return of the Soldier* offers a chilling confrontation of wife and mistress, and *The Salt of the Earth* (which H.G. Wells thought was a portrait of Dame Rebecca's sister Dr. Laetitia Fairfield; "I'm glad you killed Letty," he wrote her), balances nicely on the edge of caricature.

But here are also generous helpings of fine literary criticism: the wonderful elegy on D.H. Lawrence; the serious praise for Truman Capote's *In Cold Blood;* the joyful recognition of Kafka as sharing her preoccupation with the Almighty, whether He exists or not. She is admirable on James Joyce who "pushes his pen about noisily and aimlessly as if it were a carpet sweeper, whose technique is a tin-can tied to the tail of the dog of his genius"; and on Henry James who "seems to have pinned his faith to the wrong society and got that wrong too." Kipling "believed that a man could be saved by grace, which would be granted if he were loyal to some organization of high authority, such as the British Army or the Indian Civil Service." And she wonders why the "rich and great" elevated Kipling to "a kind of mezzanine rank just below the Archbishop of Canterbury."

The samples from Dame Rebecca's reporting are filled with the perfections of her descriptive technique. Arriving in Nuremberg for the trials, she describes Nazi architecture as a "mere waste of masonry and an expense of shame, in obese walls and distended corridors." Outside the shattered Museum of Gothic art a "vast stone head of Jehovah lay on the pavement. Instead of scrutinizing the faces of men, He stared up at the clouds, as if to ask what He Himself could be about." And her summing up, that the Nazis "were maniacs who plastered history with the cruelty which is a waste

*Anne Fremantle is the author of a history of the Fabians,* The Little Band of Prophets.


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product of man's moral nature, as maniacs on a smaller scale plaster their bodies and their clothes with their excreta" is both unforgettable and profound.

In his introduction, Samuel Hynes comments on Dame Rebecca's two-volume magnum opus, *Black Lamb and Grey Falcon*: "What an odd masterpiece" he writes, and calls it an "epic testament" to be placed with "other great literary oddities of that odd genre"—with Robert Burton's *Anatomy of Melancholy* and T.E. Lawrence's *Seven Pillars of Wisdom,* and concludes that it is "a dark book for a dark time." Yet not without hope, for, as Dame Rebecca writes: "Art gives us hope that history may change its spots and man become honorable." It is indeed Dame Rebecca's own art that illumines every genre in which she has written, as when she describes the wooded Croatian hills under snow "that looked like hedgehogs drenched in icing sugar," or Martin Luther as "the ugliest of the great, a hog magnified and with speech." She notes that it is "sometimes hard to tell history from the smell of skunk" and that "all people who have not been perverted by the West have found Christianity a torturing irritation."

Dame Rebecca's short life of St. Augustine excerpted here has been credited with being one of the first—if not *the* first—example of psychohistory, and it certainly had an enormous effect on her own personality. Written in 1933, it seems that she found in Augustine some hated yet necessary catalyst for her own work. Hynes declares that thereafter she "writes like a fourth-century African bishop, praising the righteous, explaining doctrine, condemning heretics, confident always of the rightness of her judgments and of their firm moral bases." She certainly "lit into" Augustine in a formidable way. Never, she writes, did he perform "in seventy-six years any action which could possibly be held up for ethical imitation," and she dubs his *City of God* a "shocking and barbarous book." She considers Augustine was at best an artist "and a romantic artist at that," and finds that his great failure was that "he never essayed the imaginative work for which he had such an unsurpassed endowment."

Dame Rebecca returns again and again, to the "polluted" heart of Augustine, whose "appetite for nastiness" sullied even his love for his mother, Monica. She excoriates him for being pleased that Monica died in Italy and so could not be buried in her African home, beside her beloved husband. But, surely, the whole point of Augustine and Monica's shared mystical experience at Ostia just before her death, which Dame Rebecca rightly calls "perhaps the most intense experience ever commemorated by a human being," was that it set both mother and son free: Monica free from any care for where she was buried, Augustine free from imaging "a perfect Father" better than all fathers, free too from any love of any woman, even his mother. For one brief moment, here, he and his mother had experienced the God who is, as Dame Rebecca put it, "more real than reality."

I first met Dame Rebecca West just before she started to write her Augustine. I was working on *The London Mercury* and the *New Statesman* and got a letter: "I'm so tired of not knowing you. Come to lunch on Thursday." Which I did. She and her husband, Henry Andrews, loved talking theology (he was principally interested, however, in prehistoric amber routes, such as passed through Nisibis), and when later I stayed with them in an old manor house in Sussex, we talked much of heresies such as Manicheanism and Pelagianism. Dame Rebecca is, basically, a Manichean: she believes human nature to be binary, and her horrified denunciation of the bloodstained rock in Yugoslavia, which the childless anoint with the blood of lambs and roosters, is curiously unimaginative in one at whose table I have enjoyed delicious lamb and chicken.

Indeed, I think Augustine was bad for her, a sort of pushmi-pullyu. A pity she did not rather write about Nicolas of Cusa, whose vision of God as beyond the contradictions, of God as the reconciliation of the opposites, in us as in all creation, might have saved her from her almost despair in 1939 when "it seemed that there was no help for us, for the Government was contriving our defeat, was beyond reason and beyond pity."

Dame Rebecca's despair of 1939 was proven wrong—wrong about England, wrong about Yugoslavia too, where the resistance was the best in Europe. Yet her writing remains, like its author, beautiful as always, having "come through" so much, having given us all so much. To those who already know her work, this book is a celebration indeed: to those who have not yet sampled them, this is a generous tray of hors d'oeuvres to whet the appetite for the feast to follow. □


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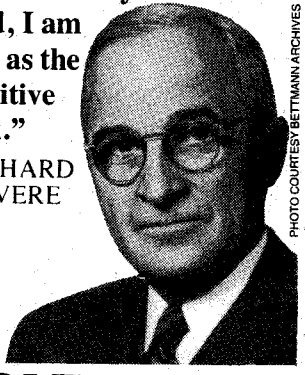

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# FILMS & PLAYS/Harold Clurman

There may be more than one symbol in Buñuel's latest film, *That Obscure Object of Desire*, but my advice is not to seek any that is not immediately apparent. It is a shrewd film, of polished and amusing sophistication. In it a wealthy Spaniard just past middle age (played by Fernando Rey with his usual aplomb) meets a young woman at a restaurant bar and pursues her from Seville to Paris and back again with no carnal success.

The girl promises everything but yields very little and that little is perhaps even more tormenting than infidelity would be. She is the eternal tease. At one moment she is haughtily proper and very beautiful, at another she appears cruelly vicious. The role is played by two actresses, Carole Bouquet presenting the girl's honorable side and Angela Molina the coarse one. At first it is difficult to distinguish one from the other. The voice of still another actress speaks for both.

Though the object of desire is not attained, the quest never ceases. The man suffers exasperation, wrath, sorrow and tears. Has all this something to do with Buñuel's feeling about Spain? The thought flashes across the mind, but no matter: the twists and turns of the sitation are surprising and witty.

The one unmistakable symbol is that, at intervals during the drive toward the object of desire, terrorist acts unrelated to the main story keep recurring. The unlucky Don Juan is rather more annoyed than troubled by them but they in no way impede his amatory adventure. One may interpret the various terrorist mishaps and explosions as one wills: any reading which occurs to one will do. *That Obscure Object of Desire* is not one of Buñuel's important achievements, but it is fun.

Bertolucci's 245-minute *1900* is "important," but affords very little pleasure. A Communist (or "Marxist") tale of two families, it did not please the Italian Communist press—and for good reason. As portrayed, the peasants in rebellion against the landowners (after World War I) are almost as repellent as their oppressors. Hatred for fascism is more an expression of the *bourgeois* Bertolucci's emotions than of the peasants' or workers'. The working class and the peasantry do not need such partisans as the director of *1900*.

It is not that the facts in the case are false. The greedy, harsh, indifferent Italian landowners of before the war inflicted terrible injury on the humanity of those who worked their soil. After the war, when they turned Fascist, the overlords became murderous, especially to those they called Bolshevik, though only a minority of the peasant opposition was consciously Socialist and still fewer could be considered "Bolshevik." The situation was not so simplistically gross as Bertolucci depicts it. If it had been, Mussolini would never have risen to power.

As a man of leftist sympathies and a cultivated artist, Bertolucci in 1963 made

## STORY OF THE ANTS AND GRASSHOPPERS

Translated by W.S. Merwin
(From a literal version of Santiago Mendez Zapata and Kathy Branstetter)

*Ants work very much every day none sleep*
*in fact they use the daytime*
*at night they sleep they rest their hearts*
*because of their work in the days*
*when in its time in its season the rain comes*
*very much food the ants have gathered*
*working in the clear weather*
*the ants feel no sadness because of the rains*
*they feel no hunger with all that food*
*when the ants went to work in the cloudless season*
*the grasshoppers laughed a lot and made fun of them*
*why ever should we go to work in fact*
*in the clear weather they said*
*the grasshoppers making fun of the ants*
*the grasshoppers did no work in the cornfields every day*
*the grasshoppers sleep in the fields*
*in the nights the grasshoppers have parties*
*with their music*
*all they know how to do at night is have parties with their music*
*no work to speak of*
*the grasshoppers make fun of the ants a lot*
*for only working in the cornfields*
*it came the time of hunger the rainy season for them*
*the grasshoppers*
*none the food of the grasshoppers in the time of the rainy season in fact*
*none their work in the clear weather*
*the grasshoppers suffered with hunger*
*the grasshoppers came to the ants' houses*
*won't you lend us some food because we ourselves are dying of hunger*
*the grasshoppers said*
*there is this suffering of yours because there was no work you did*
*in the cloudless weather in fact*
*in the daytime you slept in the night you had parties the ants said*
*it is better to work in the clear weather than to be lazy and walk around*
*and sleep and have parties in the fields*
*the ants said to the grasshoppers scolding them*
*we on the other hand did not sleep in the daytime the ants said*
*the ants laughed because the grasshoppers*
*were suffering from hunger*
*the grasshoppers were ashamed because the ants had uncovered their shame*
*the grasshoppers began to steal because they were hungry*
*in the time long ago there were created*
*the grasshoppers the creatures who do not work in cornfields*
*in the time long ago there were created the ants*
*who work hard in cornfields*

From the Tzeltal (Tenejapa)



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a fine film, *Before the Revolution*, which unemphatically reflected the perturbed state of mind of the middle-class youth in Italy at the time. But employing a host of good actors (dubbed-in English) and with vast American funds at his command, he has allowed himself to indulge in a blast of vulgar fury that can hardly serve as convincing propaganda. Disingenuous enough to be almost insulting, he disavows any intention of having made a political or "Marxist" film: it is simply, he says, a "poem." It is, I would say, a *grotesquerie*.

What I most appreciated in the film were Dominique Sanda's looks and the last sequence in which the representative of the "Communist" forces (Gerard Depardieu) and his one-time pal (Robert De Niro), the liberal (read: vacillating) landowner unable to free himself from his class roots, now old men, still half-playfully tussle with each other as they did when boys. The suggestion is then symbolically made that the heir of the landowning class allows himself to be run over and cut to pieces by an oncoming train: the future revolution! But if this is to be taken at all seriously we may remind ourselves of the French Socialist Juarès's epigram—"The bourgeoisie does not commit suicide."

The first "straight" play of the Broadway season is *The Gin Game* by a new playwright, D.L. Coburn from Baltimore and Dallas. It is a pleasant piece greatly aided by the charming performances of Jessica Tandy and Hume Cronyn, and by Mike Nichols's canny direction (John Golden Theatre).

It is nicely written and sympathetic in feeling. Two elderly people—the play's only characters—meet in a home for the aged. Their chief mode of contact is through the card game of the title. Through this, the author manages to suggest the loneliness of old age, the competition between the sexes or perhaps only the competitiveness of most human exchanges, the difficulty of people, even when they have very much in common, to arrive at a reasonably full accord.

In the hands of a Chekhov or a Schnitzler, the play's scheme might prove an apt means to achieve true poignancy. The exemplary American tonality of the play, with its two altogether ordinary characters whose personal backgrounds are only thinly sketched, leaves it rather slight. There is, especially in the first act, too much reliance on the sheer comedy of the game, more entertaining to those familiar with it than to others. The occasion does not warrant superlatives, but cordial greetings to the "team"—author, actors, director.

Theatre entertainments are now steadily pouring in. Among them is Strindberg's *The Ghost Sonata* given at the Yale Repertory Theatre in New Haven and a new play, *Reunion*, by David Mamet on which I plan to comment in the coming weeks. □

# ART / Lawrence Alloway

Exhibitions of the caliber of "Cézanne: the Late Work" (Museum of Modern Art, until January 3) are rare nowadays, because the logistics of putting on an ambitious show of a master is beyond the resources of most museums. The willingness of institutional and private owners to lend has dried up, insurance and transportation costs have skyrocketed. John Rewald and William Rubin's powers of persuasion must have been stretched to the limit as they solicited the loan of all these precious works. (One imagines museums being forced, reluctantly, to concede debts owed to the Museum of Modern Art for past favors.) Even so, there are omissions, but the checklist reads like the catalogue of a between-the-wars show, when masterpieces were more easily obtainable and costs comparatively low.

There are sixty-seven oils and fifty-four watercolors, a creditable count for any Cézanne exhibition, but these are all from the last decade of his life, 1895-1906. Thus the show is a remarkable act of concentration, providing an abundance of information on one-sixth of the artist's life. The only complaint I have refers to a minor but insuperable problem: most of the paintings are in dainty, dealer-originated frames, the gentility of which is not appropriate to the imagery they enclose. Obviously there is nothing to be done about the owners' frames, but they are deep enough to cast shadows on the tops of many of the paintings, which is a persistent distraction. The museum's lights are too close to the wall for paintings recessed in decorative frames.

There is a general expectation that *late* works by artists will possess a special aura. Often cited are the late works of Titian, Frans Hals, Monet and Matisse, among others, and among writers, Shakespeare, Goethe, Rilke. One notion is that wisdom emanates from terminal work, but this view seems sentimental. In the case of Matisse's collages and


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perhaps of Rilke's poetry, the work at the end of life seems to express a fierce joyousness, a complex acceptance of the world after having been in it for some time. Another notion is that of a cyclic joining of youth and old age, whereby early themes and attitudes recur with a new intensity. Cézanne's early romanticism, it is suggested, recurs in his later bathers and in the more emotive style of his portraits of the last ten years. At the museum, for instance, three portraits of "The Gardener Vallier," 1905-06, are grouped together. They make a Stygian triptych, the human figure emerging from the labored paint as it slides toward black.

Cézanne's late works convey an acute sense of what might be called operational profundity. These are the paintings and drawings of a man who has been working for, say, thirty-five years and, as a result of incessant practice, knows his media from the inside out. The marks that he makes on paper or canvas are singularly intimate extensions of the artist's decisions. Having gone through the operations of painting so many times he achieved, with physical directness, a reduction of the conventions which, however complex and supple, had supported him in the 1880s. For whatever reasons, these conventions of internal complexity—sometimes formal rhyming, sometimes spatial disjunctions—survive more in the late still lifes than in the landscapes and figures. The poised interplay of the forms in the still lifes, richer in color than before, is marvelous to witness, but seems less summarizing than the concentrated statements, the maximization of fewer elements, in the landscapes. In these latter there is a kind of abruptness in which the blocky stroke of paint, for all its significant and relational functions, remains self-sufficient. By significant function I mean the paint mark's reference to nature and by relational I mean its compositional wholeness, its congruence with the other marks in the painting. However Cézanne, in his mastery, never feels the need to smooth off, round out, or approximate these marks to a convention of finish.

Since all the pieces come from one phase of Cézanne's work, the show is not hung chronologically but thematically, which makes good sense. The specific character of the still life paintings, for example, would not go especially well with the gaunt paintings of Mont Sainte-Victoire viewed from a high eye-level, without the framing tree boughs that softened earlier versions. The apparitional thrust of the mountain has the kind of starkness which, if I am right, a painter who has worked through the conventions of his medium would naturally reach in late versions of a long-known site.

The book that accompanies the exhibition concentrates the present resources of art historians, mainly American, on segments of Cézanne. It is *Cézanne: the Late Work*, edited by William Rubin (fifty color illustrations, 377 black-and-white. 416 pp. Museum of Modern Art, distributed by the New York Graphic Society. Cloth $40. Paper $17.50). Theodore Reff, one of the organizers of the show, discusses "Painting and Theory in the Final Decade," repeating his important qualification of the idea that Cézanne painted by reducing nature to "the cylinder, the sphere, the cone." This idea contributed to the judgment that Cézanne simplified nature geometrically and led to a major misinterpretation of the early 20th century that typed Cézanne as essentially a "classical" artist (George Heard Hamilton discusses this point). Reff argues that the three figures that Cézanne mentioned in a letter to Emile Bernard are not bits of a platonic alphabet but are all convex forms. Cézanne's concern was with "curving surfaces [that] recede from the eye," Reff writes, and his observation is conclusively confirmed by the works themselves.

The influence of Cézanne on later artists has been much cited, but never so convincingly demonstrated as by Rubin in "Cézannisme and the Beginning of Cubism." John Rewald writes on "The Last Motifs at Aix," continuing his long investigation of Cézanne's process of abstraction by photographing the original sites for comparative purposes. He sees through arboreal growth and Cézanne's perceptual individuality to locate the places where he worked, around the ruined Château Noir and the Bibémus Quarry, as well as the spine of the unencumbered Mont Sainte-Victoire. □


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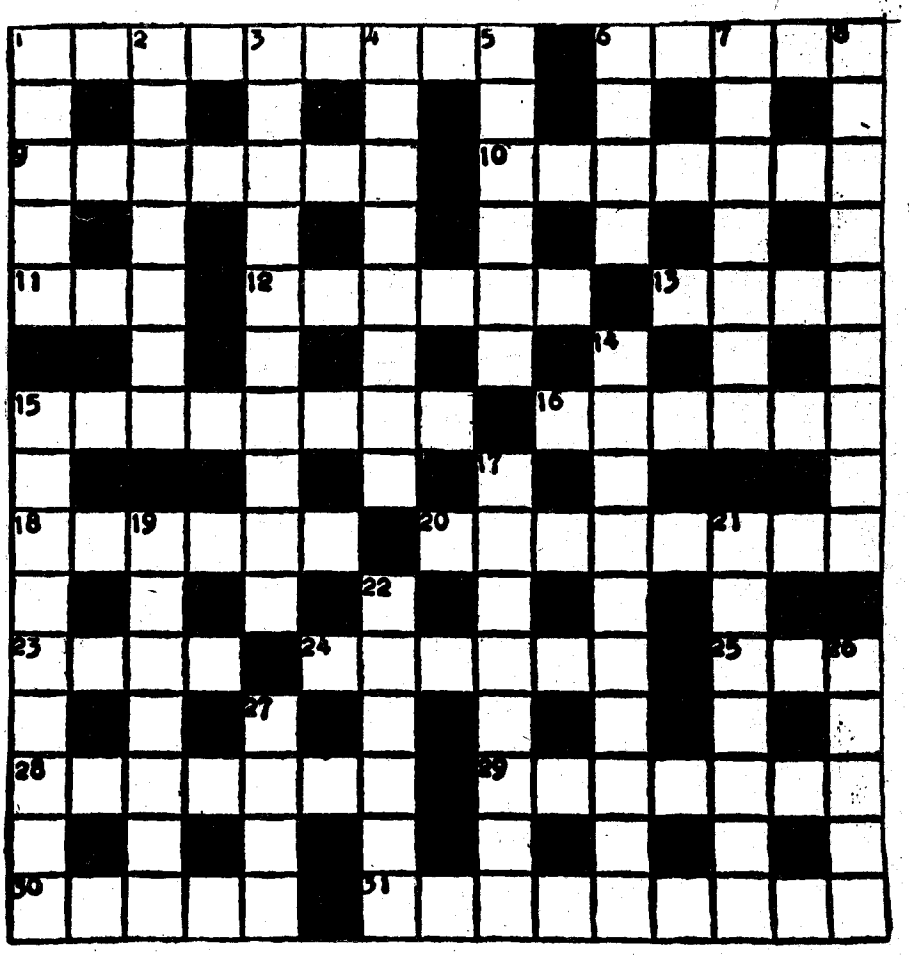
# Crossword Puzzle No. 1699

**FRANK W. LEWIS**



### ACROSS

1 See 23 across
6 For example, a hundred-leg way to go up a tree. (5)
9 When enraged, it's the wrong way to signal the attack is coming. (2,5)
10 One way to show off a fairly large number in *Euphorbia*. (7)
11, 12 and 13 The one 29 thought could make escape possible. (3,6,2,2)
15 One hopes one is on the right track when one does. (8)
16 Might be heard in the same vicinity as 1 down. (6)
18 They might start grouchy people making clever turns of speech. (6)
20 In general, one might hope to find mastery of it. (8)
23 and 1 across A very generous character. (4,9)
24 In which the young sun had run half his course, said Chaucer. (3,3)
25 A small one needs nothing else to make 27. (3)
28 Commotion caused by a rum sling during work. (7)
29 Owner of 27. (7)
30 Often the last movement sounds like a short poem. (5)
31 Driving back may not be in good taste. (9)

### DOWN

1 True country sound from this turntable? (5)
2 An arrangement of a tune on the upbringing of the wildebeest should be very soothing. (7)
3 What makes up an illegal catch might be something like vestigial tails and such. (Tackle might be employed to do so.) (10)
4 and 6 down Anything like this is bound to be less than 32. (8,4)
5 Traditionally they weep as they are, or less changed. (6)
6 See 4 down
7 When he plays the trumpet, it's the very end—if liars can be forced to reveal it! (7)
8 A short walk between two areas, perhaps, in the current manner. (9)
14 Is the head of the Baltic Fleet also a flier? (3,7)
15 One who hots up the war? (Perhaps you might find one in store, if you're going down there.) (9)
17 If the answer were "de-rots" it should be so saved. (6,2)
19 Blood before this is reminiscent of Bismarck, though you might hold your fire with such. (7)
21 How to give one the right size of type with *Uncle Tom's Cabin*, for example. (7)
22 Irritability, with a sometimes fatal disease. (6)
26 Make an effort to hold a little street meeting, of sorts. (5)
27 A well-known pet in this is everything. (4)

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